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SAN FRANCISCO
CITY PLANNING COMMISSION

≡ Minutes of the Special Meeting held Wednesday, January 7, 1976.

The City Planning Commission met pursuant to notice on Wednesday, January 7, 1976, at 1:00 P.M. at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice President; James J. Finn, Mortimer Fleishacker, and Thomas J. Mellon, members of the City Planning Commission.

ABSENT: John Ritchie and Hector E. Rueda, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); George A. Williams, Assistant Director-Plans and Programs; Wayne Rieke, Planner IV-(Zoning); Alec Bash, City Planning Coordinator; Robert Feldman, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; Dan Borsuk represented the San Francisco Progress.

1:00 P.M. - Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:00 P.M. to take a field trip to properties scheduled for consideration later in the meeting.

2:15 P.M. - 100 Larkin Street

APPROVAL OF MINUTES

It was moved by Commissioner Porter, seconded by Commissioner Mellon, and carried unanimously that the minutes of the meetings of November 20, and December 4 and 16, 1975 be approved as submitted.

CURRENT MATTERS

Edward I. Murphy, Acting Director of Planning, reported that the Board of Supervisors had upheld the Commission's denial of a conditional use application for professional offices in a residentially zoned building at 2426 Pine Street by a 9-0 vote.

The Acting Director continued his report as follows:

"Shortly after the November 20 presentation to the Planning Commission of the outline of districts and standards developed in the Residential Zoning Study that report

was widely distributed for review and comments to neighborhood groups and other interests.

"Tonight, the Residential Zoning Study staff will commence a series of six evening meetings with Neighborhood Groups scheduled for this week and next week to further explain the nature of the outlined districts and standards and to receive comments.

"These meetings are in addition to the monthly meetings with the Coalition of San Francisco Neighborhoods and other Neighborhood Groups that have been held with the staff since the beginning of the study.

"Meetings with other interests, such as the Board of Realtors and small builders, have also been scheduled."

President Newman requested members of the press who were present to try to publicize the meetings.

After discussion it was moved by Commissioner Mellon, seconded by Commissioner Fleishhacker, and carried unanimously that Resolution No. 7428 be adopted to express the Commission's appreciation for the services rendered by Dean L. Macris as Director of Planning. Mr. Macris had resigned the position of Director of Planning on January 2, 1976, after a tenure of one year.

Noting that some members of the Commission have offered their resignations to the new Mayor, the Acting Director, on behalf of the staff, expressed appreciation to the Commission for their furthering of the City Planning function during their term of office. Members of the Commission, in turn, expressed respect for the professionalism and dedication of the staff.

CONSIDERATION OF A DRAFT RESOLUTION WHICH WOULD AUTHORIZE THE DIRECTOR OF PLANNING TO ENTER INTO A CONTRACT WITH THE FOUNDATION FOR SAN FRANCISCO'S ARCHITECTURAL HERITAGE FOR THE PURPOSE OF ADMINISTERING A PRESERVATION LOAN PROGRAM, IDENTIFIED THIS PROJECT C-7 IN THE 1975 COMMUNITY DEVELOPMENT PROGRAM.

George A. Williams, Assistant Director-Plans and Programs, explained that \$200,000 had been set aside in the 1975 Community Development Program to assist in the conservation and preservation of resources of special architectural, historic, or cultural value. After a number of public meetings, it had been determined that the Department of City Planning should work in conjunction with the Foundation

for San Francisco's Architectural Heritage to develop a Preservation Loan Program; and a draft resolution had been prepared for consideration by the Commission which would authorize the Director of Planning to enter into a contract with the Foundation for San Francisco's Architectural Heritage for the purpose of administering a preservation Loan Program.

John Mackie, Planner II, explained that the function of the proposed Preservation Loan Program would be to make or guarantee loans for the restoration and/or rehabilitation of structures of architectural merit and community significance where other loans are either not available to or not affordable by the owner. Among the objectives of the program would be to benefit low- and moderate-income persons and owner-occupied structures, emphasis on exterior restoration which provides the greatest benefit to the community, and minimizing of dislocation caused by increased housing cost or long term disruption. The program would be operated by Heritage as a revolving loan fund and as part of Heritage's existing urban conservation fund. A loan committee representing a range of interests, including city agencies, neighborhood groups and professional organization, would advise Heritage on the program and would review proposed projects. In addition, the Department of City Planning and the Mayor's Office of Community Development would continuously monitor the program. He then reviewed details of the proposed program which are explained in a memorandum entitled "The San Francisco Preservation Loan Program" and dated January 7, 1976. The memorandum is available in the files of the Department of City Planning

Commissioner Porter asked if this would be the first time that the city had made funds available to a private organization. Mr. Williams replied in the negative, indicating that the Model Cities Agency and the Public Health Department have used community based non-profit organizations to perform services for the community. He acknowledged, however, that the Foundation for San Francisco's Architectural Heritage had not previously received funds from the city.

Commissioner Mellon remarked that the proposed Preservation Loan Program would make funds available for the rehabilitation of private structures; and he remarked that it would be somewhat unusual to make funds available for that purpose when so many city-owned buildings are in need of maintenance and rehabilitation. He also commented on the fact that the draft resolution which had been distributed to members of the Commission specified that the 1975 Community Development Program had allocated \$200,000 for the development and initiation of a program to provide loans and grants for the rehabilitation of structures with special architectural and historical value; while he felt that a program providing loans to private property owners might be

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acceptable, he felt that the word "grants" should be deleted from the draft resolution.

Mr. Williams remarked that the words which had been quoted by Commissioner Mellon had appeared in the whereas clauses of the draft resolution; and he pointed out that the resolved clause of the resolution referred only to the establishment of a Preservation Loan Program.

Commissioner Porter asked if the \$200,000 would eventually be returned to the city. Mr. Mackie replied in the affirmative and noted that the city would be able to terminate the contract with Heritage at any time for cause.

Commissioner Fleishhacker remarked that there was always a possibility of that some of the loans might default; and, under such circumstances, the funds lost would have to be treated as a "grant."

President Newman asked if Heritage, in authorizing a loan, would acquire a lien against the property in question. Mr. Mackie replied in the affirmative.

Commissioner Mellon asked if the Real Estate Department of the City and County of San Francisco would be involved in property appraisals. Mr. Williams replied that a loan committee, which would include representatives of city agencies, would review and approve all loans made under the program.

Commissioner Porter stated she felt that the Landmarks Preservation Advisory Board, a city agency, should have assumed responsibility for the proposed program. Mr. Williams replied that the President of the Landmarks Preservation Advisory Board had participated in the development of the proposed program and had concurred in the decision that a contract should be entered into with the Foundation for San Francisco's Architectural Heritage to administer the program.

Mr. G. Bland Platt, President of the Landmarks Preservation Advisory Board, confirmed that she had worked closely with the Department of City Planning and the community in preparing the proposed program; and she assured the Commission that adequate safeguard had been worked out to protect the city's funds. She also emphasized that as little money as possible would be committed to each project and that \$25,000 had been established as a maximum amount of program funds which could be used for the restoration or rehabilitation of any single property.

Commissioner Porter asked if it was mandatory that the city use the funds available for the proposed program. Mr. Williams replied

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that the 1975 Community Development Program, which had been prepared by the Mayor and approved by the Board of Supervisors, had specified that the funds would be used for Creation of a Preservation Loan Program; and, through a series of meetings with interested persons and groups, the conclusion had been reached that the funds could be most effectively used if the Department of City Planning were to work in conjunction with the Foundation for San Francisco's Architectural Heritage.

Mrs. Platt stated that she had been aware of similar programs in other cities and had suggested the concept for the San Francisco program. The program had not been initiated by Heritage.

Charles Hall Page, President of The Foundation of San Francisco's Heritage, stated that he felt that it would be appropriate for the City to use a small amount of money for conservation. While he acknowledged that there would be some "softness" to the loans which would be made, he assured the Commission that Heritage would administer the Preservation Loan Program in a professional manner.

President Newman asked if there were any reason why the City could not use the funds available to guarantee market rate loans. Robert Berner, Heritage's Urban Conservation Officer, replied that they would try to work out such an alternative under which deposits would be made with banks as credit against market rate loans.

Commissioner Fleishhacker stated that he appreciated the worthiness of the proposed program; and, he believed that the City Attorney's office and the Controller would be able to provide adequate safeguards for protection of the City's money. However, he wondered if it would be possible to allot only \$100,000 to the program initially so that the Commission could review the success of the program before authorizing the allotment of the remaining \$100,000. After Mr. Williams had indicated that that approach would be acceptable, Commissioner Fleishhacker recommended that the resolved clause of the draft resolution be reworded to read as follows: "Therefore be it resolved, that the City Planning Commission of the City and County does hereby authorize the Director of Planning to enter into a contract with the Foundation for San Francisco's Architectural Heritage for the purpose of administering a Preservation Loan Program, provided that before the second \$100,000 is dispensed a report will be submitted to the City Planning Commission for consideration and approval."

Other members of the Commission indicated that the change proposed by Commissioner Fleishhacker would be acceptable. It was then moved by Commissioner Fleishhacker, seconded by Commissioner Finn, and carried unanimously that the draft resolution, as modified, be adopted as City Planning Commission Resolution No. 7429.

R118.75.20 - PUBLIC HEARING ON TENTATIVE MAP FOR A FIVE UNIT CONDOMINIUM SUBDIVISION AT 815 SOUTH VAN NESS AVENUE, LOT 26 IN ASSESSORS BLOCK 3594.
(Under advisement from meeting of December 18, 1975).

Alec Bash, City Planning Coordinator, noted that this matter had been discussed during the meeting of December 18, 1975, and that the staff had recommended that the condominium subdivision be approved as consistent with the Master Plan subject to specific conditions which were contained in the draft resolution which had been distributed to members of the Commission. The Commission had taken the matter under advisement to the present meeting so that a representative of the Mission Housing and Development Corporation could be present to explain the financing program which would be available to purchasers of units in the building.

Henry Cabrera, Deputy Director of the Mission Housing and Development Corporation, reviewed the history of the subject project and indicated that he would be willing to answer any questions which might be raised by members of the Commission.

Commissioner Fleishhacker questioned whether the present low-income occupants of the building would be able to afford the down-payment for purchase of the units which they occupy; and he asked how purchase of the units would be financed. Mr. Cabrera replied that loans covering 95% of the purchase cost would be made available at an interest rate of 9½%; and the down-payment for the units could come from the \$4,000.00 relocation payment which had been made to tenants of the building, three of which had returned following completion of the repairs. Those tenants had applied to purchase their units upon conversion. In response to further questions raised by members of the Commission, Mr. Cabrera stated that the individual units in the building have an appraised value of \$27,000; but they will be sold for \$25,000.

William E. Mehegan, owner of a single family residence at 837 South Van Ness Avenue, felt that prospective purchasers of the units might prefer a 50% down payment; and, if so, the monthly carrying costs would be slightly higher than the estimate of \$250.00 per month which had been mentioned at the Commission's last meeting. He also wondered what would prevent the new owners of the units from selling the units at an inflated value, thus effectively removing them from the City's low-income housing stock.

Commissioner Fleishhacker replied that the responsibility of the Commission is to determine that the proposed sale of the units at this time would not effectively remove them from the low-income

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housing stock of the city; however, once the units have been sold the Commission would have no further jurisdiction over future sales. In any case, he remarked that the present owners of the building could raise the rental rates of the units, thus removing them from the low-income housing stock, if the condominium conversion were not approved.

Mr. Mehegan then questioned whether the present renters would be willing to pay \$250.00 or more to continue to live in units which are presently costing them only \$150.00 a month.

Commissioner Fleishhacker replied that the tenants would theoretically be building an equity for themselves if they were to purchase their units.

Virginia Mehegan asked if the facade of the building would be improved. Mr. Bash replied that it was his understanding that additional work to be done included painting of both the inside and the outside of the building, installation of a fence, and work on the roof.

Mrs. Mehegan then asked if the building would be likely to attract stable families. She remarked that most of the present residents of the building are single people. Mr. Bash replied that more common space would be available to tenants of the building than in the past; however, there would be no significant change in the size or character of the dwelling units. Under the circumstances, he did not expect that the building would attract a significantly different types of occupants than in the past.

Edward I. Murphy, Acting Director of Planning, repeated the staff recommendation that the condominium subdivision be approved as consistent with the Master Plan subject to four specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission.

President Newman asked that the conditions which had been recommended by the staff would be acceptable to the applicant. Mr. Cabrera replied in the affirmative.

After further discussions it was moved by Commissioner Fleishhacker, seconded by Commissioner Finn, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7430.

LM75.11 - CONSIDERATION OF PROPOSAL TO DESIGNATE THE BUSH STREET TEMPLE, 1881 BUSH STREET, AS A LANDMARK.

R. Spencer Steele, Zoning Administrator, described the architectural and historic characteristics of the subject building which had led the Landmarks Preservation Advisory Board to recommend that it be designated as a Landmark.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, indicated that she was present to answer any questions

which might be raised by members of the Commission.

Commissioner Fleishhacker remarked that the building is not very attractive in its present state, particularly as viewed from the rear; and he estimated that a lot of work would be required to improve the appearance of the structure.

Mrs. Platt emphasized that the Bush Street Temple had been purchased by the Redevelopment Agency for retention since it was recognized to be one of the most important buildings in Western Addition Project Area A-2; and the property had only recently been sold to the Zen Center.

Commissioner Fleishhacker asked if the new owners of the building intended to restore it. Mrs. Platt replied that it was the Redevelopment Agency's intention that the building should be purchased by someone who would restore it; and, if the present owners cannot afford the cost to restoration, the building could be sold to other bidders.

Edward I. Murphy, Acting Director of Planning, recommended that the proposal to designate the Bush Street Temple at 1881 Bush Street as a Landmark be approved.

Subsequently, it was moved by Commissioner Mellon and seconded by Commissioner Fleishhacker that the proposal be disapproved. Commissioner Fleishhacker stated that he could not vote with good conscience for designation of the building as a Landmark since he felt that it is not architecturally outstanding; and he remarked that changes have been made in the building through the years so that windows now exist where they were not originally planned.

Mr. Steele pointed out that the case report which had been prepared by the staff of the Department of City Planning commented at length on the eclectic architecture of the building; and he remarked that both the building and Congregation Ohabai Shalome, the original occupants of the building, have significance historically.

President Newman agreed with the staff that the building should be designated as a Landmark because of its historic and architectural significance. Commissioners Porter and Finn stated that they intended to support the proposal to designate the building as a Landmark because of its historical significance.

When the question was called, the motion failed by a vote of 2 to 3. Commissioners Fleishhacker and Mellon voted "aye"; Commissioners Finn, Newman, and Porter voted "no".

Subsequently, it was moved by Commissioner Porter, seconded by Commissioner Finn, and carried 3 to 2 that Resolution No. 7431 be adopted and that the proposal to designate the Bush Temple, 1881 Bush Street, as a Landmark be approved. Commissioners Finn, Newman and Porter voted "aye"; Commissioners Fleishhacker and Mellon voted "no".

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CU.75.49 - 355 BUENA VISTA AVENUE EAST, THE WEST SIDE OF PARK HILL AVENUE AND THE NORTH SIDE OF ROOSEVELT WAY.
REQUEST FOR AUTHORIZATION TO RENOVATE ST. JOSEPH'S HOSPITAL; IN AN R-4 DISTRICT.

Thomas Hsieh, architect for St. Joseph's Hospital, summarized the hospital's proposed program for renovation and new construction which included the following;

"(1) The up-grading of the existing hospital building to meet State earthquake standards, requiring the removal of the sixth floor and penthouse, replacing the fifth floor with a lighter-weight structure and reducing the number of beds to approximately 192;

"(2) The addition of a two-story approximately 5800 square foot surgical and special care facility to the rear of the hospital;

"(3) The addition of a two-story approximately 2290 square foot storage facility to the rear of the hospital;

"(4) The provision of a new ambulance entrance directly from Buena Vista Avenue East; and

"(5) The revision of the parking area providing a second-level deck with ramp access directly from Buena Vista Avenue East, revising circulation and increasing parking capacity to 71 cars."

Robert Young, Executive Director of St. Joseph's Hospital, expressed his appreciation for the cooperation and assistance of the staff in preparing plans for the proposed project.

President Newman called attention to letters which had been received from Constance B. Stengel, 503 Buena Vista Way; Mrs. Elmer Eaton Jordan, 399 Roosevelt Way; and Mrs. T. G. Habeeb, 85 Buena Vista Terrace, in support of the hospital's request for a conditional use authorization.

President Newman then asked if any members of the audience wished to be heard in opposition to the application and received a negative response.

Sister Aquina, Administrator of St. Joseph's Hospital, stated that she looked forward to completion of the proposed project.

President Newman complimented the representatives of the hospital on the sensitive plans which they had prepared. He also noted that representatives of the hospital had worked closely with residents of the neighborhood and, in so doing, had apparently satisfied their concerns.

Matthew Myers, representing the Buena Vista Neighborhood Association, stated that the members of his organization hoped that the application would be approved subject to a condition which would provide that meetings between representatives of the hospital and members of the community should continue and that members of the neighborhood should have an opportunity to review and comment on final building plans before any building permit applications are issued. He also submitted a copy of the memorandum from Mr. Hsieh summarizing agreements made at a meeting which had taken place on December 30, 1975; and he requested that the memorandum be placed in the Department of City Planning's docket on the subject application.

President Newman called for a show of hands of those present in the audience in support of the subject application. Approximately 15 individuals responded.

R. Spencer Steele, Zoning Administrator, recommended that the application be approved subject to six specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted. He advised the Commission that it is the normal procedure of the staff of the Department of City Planning to be in touch with neighborhood organizations when final plans are being reviewed; and, as a result, he did not feel that it would be necessary to include the condition which had been recommended by Mr. Myers in the Commission's resolution. In conclusion, he remarked that revised plans had been received by the staff after the draft resolution had been prepared; and, therefore, the reference to a specific set of plans cited in Condition No. 1 of the draft resolution would have to be changed.

President Newman asked that the conditions which had been recommended by Mr. Steele would be acceptable to the applicant. Both Mr. Hsieh and Mr. Young replied in the affirmative.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that the draft resolution, as modified, be adopted as City Planning Commission Resolution No. 7432 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

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ZM75.18 - VULCAN STAIRWAY BETWEEN LEVANT AND ORD STREETS.
R-2 TO AN R-1 DISTRICT.

R. Spencer Steele, Zoning Administrator, referred to land use and zoning maps to describe the subject property which consists of 16 parcels with a total area of approximately 49,615 square feet or 1.139 acres. He stated that the properties are presently zoned R-2 and are subject to a 40-X height and bulk district. On 13 of the parcels are 10 one-family and 5 two-family dwellings, while 3 parcels remain vacant. Twelve parcels abut only on Vulcan Stairway and have no street access. Four parcels have frontages on streets accessible to automobiles. Vulcan Stairway has an average slope of 25% from Levant Street to Ord Street. The subject application had been filed by three individuals who own and reside on properties on Vulcan Stairway. The application requested that the properties be reclassified to R-1 to "safeguard the established character of this residential area."

Fred Schott, president of the Vulcan Stairway Association and one of the applicants, stated that he owns a house and a vacant lot on Vulcan Stairway. He asked if members of the Commission had visited the subject site and received an affirmative response. He remarked that most of the houses on Vulcan Stairway are quite small; and he felt that they could be overshadowed if an R-2 building were to be constructed on one of the vacant lots. He advised the Commission that none of the houses on the stairway had been sold in the last 5 years; and he indicated that the neighborhood is very cohesive. He submitted a petition which had been signed by approximately 126 property owners and residents in support of the reclassification from R-2 to R-1; and he stated that all of the individuals who had signed the petition felt that construction of any R-2 buildings on the stairway would ultimately change the appearance and the character of the neighborhood.

John McCann, also an applicant, stated that signatures had been collected within a 300 foot radius of the subject property; and he indicated that the individuals contacted had overwhelmingly favored the proposal for "down-zoning." He remarked that new buildings have been constructed in the R-2 districts surrounding Vulcan Stairway which have taken maximum advantage of the R-2 zoning standards; and it was felt that such construction would have an extremely detrimental effect on Vulcan Stairway.

Commissioner Porter stated that she had been impressed with the small scale of the houses on Vulcan Stairway; but she observed that R-1 zoning in and of itself would not guarantee that new construction would be limited to small scale buildings since R-1 zoning would permit the construction of single family houses to a height of 35 feet.

Frances Watson stated that she used to live at 44 Vulcan Stairway. She distributed photographs which had been taken of the stairway before and after residents of the area had landscaped the street right-of-way.

Karen Holmes, 5 Vulcan Stairway, submitted additional photographs of the area. She remarked that the city-owned property has been heavily landscaped; and she advised the Commission that the landscaping is maintained by owners and renters alike. Residents of the street range in age from 6 years to 87 years. They live on Vulcan Stairway as a matter of personal choice; and she emphasized that is their desire to preserve the present character of the area. She stated that three lots on the street have open gardens; and other properties have rear-yard gardens. She remarked that most of the lots on the stairway are quite narrow; and she indicated that most of the existing houses, which are really small cottages, were constructed 1906.

Mary Quinlan, 121 Lower Terrace, stated that the subject neighborhood suffers from a serious parking problem at the present time; and she felt that the proposal to rezone the subject properties from R-2 to R-1 should be approved if only for that reason. She advised the Commission that all of the property owners on Lower Terrace, with the exception of one, were in favor of the proposed reclassification.

Molly Owen, 88 Vulcan Stairway, confirmed that parking is a problem in the neighborhood. She also commented on the spirit of community which exists among residents of the stairway.

Raymond Gould, 74 Vulcan Stairway, stated that he had been resident of the area for 25 years. Whereas parking had not been a problem in the past, it has recently become a serious problem. He stated that he was in favor of the proposed "down-zoning".

Alfred Pearce, 18 Ord Street, stated that he had resided in the neighborhood for more than 15 years as a renter. He felt that the existing character of the neighborhood is extremely fragile; and he implored the Commission to grant the request for reclassification from R-2 to R-1.

Bill Dransfield, 44 Vulcan Stairway, confirmed that all of the residents of the stairway had assumed responsibility for maintenance of the landscaped city-owned property. If new construction should take place under R-2 zoning, he believed that the character of the neighborhood would be changed significantly; and, as a result, he had joined Mr. Schott and Mr. McCann in filing the subject application for reclassification of the properties to R-1.

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Douglas Holmes, 5 Vulcan Stairway, submitted photographs of the existing 2-family and single-family homes on the stairway; and he advised the Commission that residents of the area are extremely concerned about the possibility of R-2 construction on the vacant lots at the top of hill.

Billy Budd, 54 Lower Terrace, remarked that the objective of the Residential Zoning Study presently being undertaken by the staff of the Department of City Planning is to "relate new development to the existing development pattern more closely than present controls;" yet, implementation of the recommendations forthcoming from that study will probably not be effected for 3 or 4 years. New buildings which are being constructed in the subject neighborhood under R-2 zoning are out of scale with existing buildings in the area; and he felt that it was essential that the subject application should be approved to preserve the present character of the Vulcan Stairway.

Richard Bebb, owner of the vacant lot located at no. 7 Vulcan Street, stated that he assumed that the owners of the other 2 vacant parcels of property on the stairway wish to keep their lots vacant. However, they had purchased those lots when people could afford to construct single family houses. In his case, the only economically feasible development of his property would be the construction of a 2-unit building with access for off-street parking from Lower Terrace. He stated that he was sympathetic with the objectives of the other residents of the stairway who were supporting the subject application because the serenity of the neighborhood does make it a desirable place to live; however, he did not feel that it would make any difference whether a single family dwelling or a 2-unit building were to be constructed on his lot. He felt that his 2-unit building could be designed in a way which would preserve the character of the area; and, since he intended to reside in the building which he proposed to construct, he did not feel that the building would change the pattern of cooperation which has been established among residents of the neighborhood. He remarked that the only possible way that residents of the neighborhood could preserve the area exactly as it is would be to purchase his site and to leave it vacant. He emphasized that his lot has a frontage on Lower Terrace; and he remarked that existing buildings on that street are larger than those on Vulcan Stairway. Since he would be able to provide the off street parking spaces for the units in his building, the building should not add further to parking congestion in the area. It seemed to him that it would be more than likely that the subject neighborhood would be rezoned to R-2 upon completion of the Residential Zoning Study; and he remarked that a 2-unit structure would still be appropriate under that zoning. He stated that his lot is quite large because of the configuration of the street; and, as a result, a considerable amount of open space would still be available even if a 2-unit building were constructed on the lot.

Commissioner Fleishhacker asked if Mr. Bebb had prepared plans for his building. Mr. Bebb replied in the negative, indicating that he had just purchased the property. He believed that the sale of the property had prompted the filing of the subject application.

Commissioner Porter remarked that it was extremely unlikely that anybody would construct a small cottage similar to the existing ones on Vulcan Stairway under present financial circumstances. She noted that two of the vacant lots on the stairway are being held by their owners as permanent open space; and she suggested that residents of the area might give consideration to Mr. Bebb's suggestion that his lot be purchased and held, also. She asked Mr. Bebb if he would be willing to sell his lot if an offer were made by other residents of the neighborhood. Mr. Bebb replied that his preference would be to construct a building on the lot so that he could live in the area; however, he would be willing to entertain an offer if it were made by residents of the neighborhood.

Kerry Poe, 108 Lower Terrace, owner of property located at 108 Lower Terrace, stated that he, also, had recently purchased his property. He remarked that the property owned by Mr. Bebb was purchased with R-2 zoning; and he felt that it would be unfair for the Commission to change the zoning to R-1 at this point.

Mr. Steele recommended that the application be approved. He stated that the existing character of development of the subject properties is one family, in that 10 of the 15 buildings in the subject area are 1 family dwellings. Furthermore, the land use plan of the residents element of the comprehensive plan recommends that the subject area be for low density residential use. He also remarked that 13 of the subject parcels have no vehicular access for off street parking or for fire apparatus. Finally, substantial neighborhood support had been demonstrated for the proposed reclassification.

Mr. Bebb emphasized that his lot has vehicular access from Lower Terrace for off street parking or for fire apparatus.

Commissioner Porter asked if Mr. Bebb could construct a building fronting on Lower Terrace with the portion of his property fronting on Vulcan Stairway being used as a rear yard. Mr. Bebb replied in the negative, indicating that he has only 16 feet of frontage on Lower Terrace and 200 feet of frontage on Vulcan Stairway.

Mr. Wooster, owner of property located at 101-103 Lower Terrace, stated that his view would be directly affected if a large building were to be constructed on the property owned by Mr. Bebb. Nevertheless, he did not feel that it would be logical to have an island of R-1 zoning surrounded by a large R-2 district; furthermore, the rezoning would affect land values and tax rates; and he believed that

property owners on Vulcan Stairway would receive a substantial benefit from the reclassification. Finally, he remarked that construction of an R-2 building on the property owned by Mr. Bebb might enhance the neighborhood.

Commissioner Fleishhacker stated that he did not feel that reclassification of the properties to R-1 would be appropriate. While he was sympathetic with the desire of present residents to maintain the character of the neighborhood in its present state, he felt that that desire was not entirely realistic. Any R-1 building which might be constructed on the property owned by Mr. Bebb might be as objectionable as an R-2 building; and, in fact, if a single family house were to be constructed on the property for a family of ten, it would probably be as large as a 2 unit building. In his opinion, the design of the building would be the most important factor. Therefore, he felt that the Commission should leave the zoning of the properties unchanged but that it should announce its intention of conducting a discretionary review of any building proposed for the property owned by Mr. Bebb; and the owner of the property should be advised that the Commission, in taking the discretionary review, would be unlikely to approve any building which would not be in keeping with the present character of the neighborhood, including extensive planting along the Vulcan Street right-of-way.

Commissioner Porter stated that she agreed with Commissioner Fleishhacker. Furthermore, while the residential zoning study may recommend that the entire neighborhood be zoned R-1, she felt that it would be inappropriate for the Commission to rezone a small portion of the neighborhood to R-1 at the present, creating an R-1 island in the center of the large R-2 district. She emphasized that construction of a single family house on the vacant property could ruin the amenities and charm of the immediate neighborhood; and she felt that the best protection which could be given would be for the Commission to announce its intention of conducting a discretionary review of any building permit application filed for that property to make sure that any building approved will harmonize with others in the area.

Commissioner Finn voted that Mr. Bebb had in good faith purchased a vacant property which was zoned R-2; and he felt that it would be improper for the Commission to act in an ex post facto manner to reclassify that property to R-1. He agreed with other members of the Commission who had pointed out that construction of that R-1 building on that property could do as much damage to the neighborhood as an R-2 building; and he believed that the best approach would be for the Commission to announce its intention to undertake a discretionary review of any building proposed for that site.

Commissioner Mellon stated that he, also, agreed that the best approach would be for the Commission to announce its intention to

undertake a discretionary review of any building proposed for the property owned by Mr. Bebb.

President Newman stated that he believed that the Commission has a responsibility for preserving the character of residential neighborhoods in San Francisco. He emphasized that the basic character of the subject properties is single family in nature; and he remarked that 126 residents of the neighborhood had signed a petition in support of the proposal to reclassify the properties from R-2 to R-1. He, personally, felt that the petitioners were entitled to the protection which R-1 zoning would afford. However, if the application were to be disapproved, he believed that the Commission should announce its intention to undertake discretionary review of any building permit applications filed for any of the subject properties.

Commissioner Fleishhacker remarked that there were more than one way to respond to the concerns of the neighborhood; and he felt that it was inappropriate for the Commission to reclassify the property to R-1 after it had been purchased as an R-2 lot.

A representative of the neighborhood stated that the sale of the property had been finalized after the application for reclassification had been filed.

Commissioner Fleishhacker stated that he did not feel that it would be a good precedent to change the zoning of the properties when the alternative of a discretionary review was available; and he emphasized that discretionary review could deal effectively with the issue of what type of building is to be constructed on the vacant property.

After further discussion, it was moved by Commissioner Fleishhacker, seconded by Commissioner Finn, and carried 4 to 1 that Resolution No. 7433 be adopted and that the subject application be disapproved.

Commissioners Finn, Fleishhacker, Mellon, and Porter voted "aye"; Commissioner Newman voted "no".

It was then moved by Commissioner Porter, seconded by Commissioner Fleishhacker and carried unanimously that Resolution No. 7434 be adopted with the following resolve: "Therefore be it resolved, that the City Planning Commission finds that it is the policy of the Commission that it shall take discretionary review of any building application filed with the Department of City Planning to construct any structure on Lot 27 on Assessor's Block 2626, commonly known as 7 Vulcan Stairway."

January 7, 1976

At 4:35 P.M. President Newman announced that the meeting was recessed. Members of the Commission reconvened at 4:45 P.M. and proceeded with hearing of the remainder of the agenda. Commissioner Mellon was temporarily absent from the meeting room.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 431748 FOR CONSTRUCTION OF A SIX-UNIT APARTMENT BUILDING AT 3051 PINE STREET.

Discretionary review of building permit application no. 431748 (if request under previous calendar item is granted).

President Newman announced that both of these items would be postponed indefinitely.

CU75.56 - 1234 PINE STREET, NORTH LINE, 115 FEET WEST OF LEAVENWORTH STREET.

Request for authorization for continuation of a non-conforming parking garage beyond the present termination date of May 2, 1980; in an R-5 district.

R. Spencer Steele, Zoning Administrator, referred to land use and zoning maps to describe the subject property which has a frontage of 84.375 feet on Pine Street and a depth of 137.5 feet for a total area of 11,601 square feet. The property is zoned R-5 and is subject to a 160-F height and bulk district. The property is occupied by a two-story, 40 year old parking structure which accommodates 83 automobiles. The building has non-conforming use status as a commercial building in a residential use district with a May 2, 1980, termination date. The subject conditional use application had been filed to change the non-conforming use status to conditional use status with no termination date, allowing indefinite continuation of the present public parking garage.

Frederick C. Joss of Harrigan, Weidenmuller Co., owner of the subject property, read the following prepared statement:

"The present structure on this R-5 zoned lot was built there some 40 years ago, and has served the neighborhood, community and public since then continuously as a fire proof parking garage.

"Because of zoning limitations affecting construction on this particular R-5 lot, investors have rejected this site for multiple dwelling development. William Schuppel of McSweeney and Schuppel Architects explored in depth the possibility of putting up an apartment house here some eight months ago and found it to be uneconomic.

"The owners of this garage and residents of San Francisco using it are entitled to assurance now from the Planning Commission, and not four years hence - if ever, that this conditional use as a parking garage will not expire.

"We do not agree with or accept the concept that our situation must be tied in with an overall review of similar conditional uses throughout San Francisco which we understand is under consideration by the staff of the Planning Commission.

"Submitted to you with our application were photographs of the immediate surrounding area showing that numerous commercial uses exist in all of the blocks contiguous to Block numbered 251. Indeed, the Hyde Street frontage of Block 251 is almost entirely commercial. Thus, continuance of public service, commercial use at 1234 Pine Street does not alter or adversely affect character of the neighborhood. We have endeavored to maintain the property so that it is compatible with the neighborhood, and we have painted it as required for this purpose.

"Construction of the present building four decades ago was approved by the then municipal authorities, and its present use has been condoned by successive authorities ever since. To deny this application and leave the future of the property indeterminate would constitute an unusual hardship to the owners we represent who should not be required to wait more than four years for relief from the present uncertainty of their position respecting this property.

"As you know from consideration of a recent zoning application by the St. Francis Memorial Hospital, parking here is in short supply and difficult to find. People affiliated with or visiting this hospital are dependent on your decision here today. I know you are aware that businesses are moving out of our City for want of adequate parking. Surely we should not further reduce its availability in an area with a critical shortage of parking facilities both public and private."

Rochelle Kingsland, 1250 Pine Street, stated that she hoped that the garage would be permitted to remain in operation.

No one else was present in the audience to be heard on this matter.

Mr. Steele recommended that the application be approved subject to 3 conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted by the Commission.

Commissioner Fleishhacker expressed concern about the wording of Condition No. 1 of the draft resolution which read as follows: "This authorization is for use of the subject building as a garage for private passenger automobiles only, and not for use as a gasoline station or automobile repair shop." It seemed to him that the condition, as worded, would prevent privately-owned vans or trucks from parking in the garage; and he could not understand the purpose of that sort of restriction.

Robert Feldman, Planner II, stated that the intent of the condition was to prohibit the parking of commercial fleet vehicles in the garage. It was the opinion of the staff of the Department of City Planning that the garage should be available to residents of the area and visitors to the area.

Mr. Steele stated that the first condition of the draft resolution should be reworded to specify that a gasoline service station would be permitted in the building while an automobile repair shop would not be appropriate. In addition, to meet the objection which had been raised by Commissioner Fleishhacker, the condition might be changed to specify that the authorization was for a public garage for private vehicles only. The revised condition would then read as follows: "This authorization is for use of the subject building as a public garage for private vehicles only, and for use with a gasoline station and not for an automobile repair shop."

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Finn, and carried unanimously that the draft resolution, as modified, be adopted as City Planning Commission Resolution No. 7435.

CU75.57 - 1434 7TH AVENUE, EAST LINE, 200 FEET SOUTH OF JUDAH STREET. REQUEST FOR AUTHORIZATION TO INCREASE THE NUMBER OF RESIDENTS OF A RESIDENTIAL CARE FACILITY FROM 6 TO 10; IN AN R-2 DISTRICT.

R. Spencer Steele, Zoning Administrator, referred to land use and zoning maps to describe the subject property which has a 25 foot frontage on 7th Avenue and depth of 125 feet for a total area of 3,000 square feet. The property is occupied by a 3-story single-family frame building which is used as a residential care facility for six ambulatory elderly persons. The applicant was requesting permission to increase the number of elderly ambulatory residents from to 6 to 10.

Chong Hun Lee, the applicant, indicated that he was present to answer any questions which might be raised by members of the Commission.

Wil Wong, architect for the applicant, remarked that the house provides an exceptionally pleasant living environment.

John Bardis, Chairman of the Housing and Zoning Committee of the Inner Sunset Action Committee (ISAC), remarked on the fact that State law provides that up to six individuals may be housed in a residential care facility without benefit of conditional use authorization; and he felt that that law has had the effect of reducing the housing stock for single families. In effect, a residential care facility is a commercial business located in a residential neighborhood; and, if the subject conditional use authorization were granted, the applicant would probably double his net revenue. With such resources, operators of residential care facilities can out-bid young couples in the housing marketplace. It seemed to him that a pattern has been established whereby six individuals are installed in a residential care facility under the authority of the State law followed by an application to the City Planning Commission to increase the number of residents allowed in an already existing facility; and he felt that those procedures are systematically destroying the housing stock of the City. He advised the Commission that there are at least 30 residential care facilities in the subject neighborhood, most of which presently house only 6 people; and he believed that approval of the subject application would open up the "flood gates" and invite the operators of the other residential care facilities in the area to request authorization for additional residents. He stated that his organization was strongly opposed to the applicant's proposal.

During the course of Mr. Bardis' presentation, Commissioner Mellon returned to the meeting room and reassumed his seat at the Commission table.

Mr. Steele stated that the staff of the Department of City Planning has monitored the location of residential care facilities in the city; and it was the opinion of the staff that the subject neighborhood is not impacted at the present time. He emphasized that the subject building is being used for housing although the occupants are elderly and not single families with children; and he noted that the city must have a balanced housing stock. In his opinion, a residential care facility of the size and character proposed would not have a serious detrimental effect on the residential character of the neighborhood. Therefore, he recommended that the application be approved subject to four specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the

draft resolution be adopted.

Mr. Bardis asked if the Department of City Planning had made any effort to encourage replacement of the single family residences which have been converted to residential care facilities. Mr. Steele replied that the subject building is located in an R-2 district and not in a single family district; and, since the subject building is quite large, he felt that it would probably be converted into 2 units if it were not used as a residential care facility. In conclusion, he stated that all aspects of the city's need for a balanced housing stock are being considered during the course of the residential zoning study.

President Newman asked if the conditions which had been recommended by the staff would be acceptable to the applicant. Mr. Lee replied in the affirmative.

After discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Porter, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7436 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU.75.58 - 2425 OCEAN AVENUE, SOUTH LINE, APPROXIMATELY
412 EAST OF JUNIPERO SERRA BOULEVARD.
REQUEST FOR AUTHORIZATION FOR A VETERINARY
HOSPITAL SPECIALIZING IN ANIMAL BIRTH CONTROL;
IN A C-2 DISTRICT.

R. Spencer Steele, Zoning Administrator, referred to land use and zoning maps to describe the subject property which has a 40 foot frontage on Ocean Avenue and area of 2,938 square feet. The property contains a vacant one-story medical office building which has approximately 1,440 square feet of floor area. The applicant proposed to use the building for a veterinary hospital specializing in animal birth control. In conclusion, he stated that the Commission had approved a conditional use authorization for an animal clinic specializing in cats only at 2445 Ocean Avenue on August 1, 1974.

John N. Gill, the applicant, stated that he represented the National Welfare League, Inc. He indicated that his organization operates animal birth control facilities; and he remarked that San Francisco is the only major community in California which does not have such a facility. The proposed facility would handle approximately 20 animals a day. The animals would be brought in for surgery in the morning hours and would be released between 3:30 P.M. and 5:00 P.M. Since the animals would be under anesthetics during the morning, there would be a minimum amount of noise emanating from the facility.

Furthermore, no animals would be kept in the facility overnight. An acoustical engineer had been hired by his organization to assure that the building would be completely soundproofed. Since the facility would have a staff of only 3 people, the impact on traffic would be minimal. In addition to taking steps to control noise emission, steps would also be taken to control odor emission. He believed that the proposed facility is badly needed in San Francisco which has many low-income families. The local SPCA destroys a great number of animals each year; and the objective of the proposed clinic was to eliminate that problem. His organization operates privately without City, State or Federal funds; and signatures had been obtained from almost 15,000 individuals, many of whom live in the Sunset district, indicating support for the establishment of such a facility in San Francisco. He stated that his organization could not afford to pay the higher rents charged in the City's industrial districts; and there are not many suitable sites available in C-1 or C-2 districts. He felt that the subject site would be an appropriate location for the proposed facility; and he hoped that the application would be approved.

President Newman asked if Mr. Gill's organization is a profit-making organization. Mr. Gill replied in the negative.

Virginia Handley, a member of other animal welfare groups, confirmed that San Francisco does have an excessive animal population and that the proposed clinic is needed.

Commissioner Fleishhacker emphasized that the question before the Commission was not to determine whether the facility is needed but to determine whether the specific location under consideration would be appropriate for the facility.

Ms. Handley remarked that the city has a responsibility to help to overcome local problems; and she indicated that the excessive animal population is a problem. She suggested that the city could help to ameliorate the problem by approving the subject conditional use application.

President Newman asked Mr. Gill if his organization planned to establish more than one facility in San Francisco. After Mr. Gill had replied in the negative, President Newman asked if clinics operated by the organization in other communities are located in residential areas. Mr. Gill again replied in the negative.

Ted Sorich advised the Commission that there had been some opposition to the establishment of a similar clinic in a commercial district in Berkeley; however, once the facility had opened, the primary opponent had changed his opinion. He indicated that that person was

present in the audience in support of the subject application. He then submitted petitions which had been gathered in support of the establishment of an animal birth control clinic in San Francisco. When Commissioner Fleishhacker asked if the petitions had made reference to the specific parcel of property under consideration, Mr. Sorich replied in the negative, indicating that the petitions referred only to the need for an animal birth control clinic in San Francisco. The clinic would be an asset to the city; and in order to avail itself of such a facility, he felt that the city should make some concessions to allow the clinic to be located where it is convenient for people and in a neighborhood where people are not afraid to go.

Diane Sukol, a resident of Berkeley, stated that her community had established a municipal animal birth control clinic in a commercial district between a restaurant and a 4-unit residential building. At that time, some people had been opposed to the project. However, following the opening of the clinic in May, no further complaints have been received. In fact, one of the residents of the apartment building was present in the audience.

Mark Wong, the individual who lives next door to the animal birth control clinic in Berkeley, stated that his bedroom window is only 4 feet from the wall of the clinic; and he indicated that he had experienced no noise problems. As a result, he was convinced that the facility presently under consideration would cause no problems for the subject neighborhood.

Lotta Peck, a resident of the subject neighborhood, stated that she had hoped for the establishment of such a facility for a long time; and she indicated that she knew of no one who was opposed to the proposal.

President Newman read a letter which had been received from Dr. Louis Maraviglia, DDS, of 2419 Ocean Avenue, as follows:

"This letter deals with my concerns with the request for a low cost animal birth control hospital at 2425 Ocean Avenue.

"First, I believe a low cost clinic should be located in a low income area to best serve the economically disadvantaged. The location of a clinic at 2425 Ocean Avenue lies between Saint Francis Woods and Ingleside which are two high income areas.

"Secondly, the 2425 Ocean Avenue site is within a group of attractive buildings containing professional offices;

I do not think an animal clinic is consistent with present zoning. Such a change could have a serious effect on the future of the area.

"Thirdly, and very important, are my concerns with dog worms (Toxicaria Canus) which are in dog feces. The toxicaria canus eggs survive in soil and grass for long periods of time and are not even effected by extreme weather conditions. A child touching soil, or even a ball that has touched the soil may become contaminated. The disease is difficult to identify because of it has vague symptoms. On autopsy, the parasite has been found in liver, muscle and brain tissue. Please note, well, 2425 Ocean Avenue is within fifty feet of two schools with outdoor play areas. Restrictions on the property owner at 2425 Ocean Avenue will not curtail client dogs from defecating 50 feet away. Also, note, toxicara canus (visceral larval migrans) is now a recognized community problem and some cities have already instituted construction of restricted areas for dog owners to walk their dogs. For more information, I suggest you write to Television Channel #5 and ask for a transcript of the "60 Minutes" program of December 28th, 1975 which was partially devoted to the problem of toxicaria canus.

"Fourth, being adjacent to 2425 Ocean Avenue, I have the usual concerns about noise pollution (from barking dogs), feces on the walking areas in the neighborhood, offensive odors emanating from the animal clinic and shielding from x-ray irradiation.

"Lastly, I think an environmental impact statement should be prepared which would concern itself in part, with all of the four paragraphs above."

Lou Thurston, owner of property located immediately behind the subject property, stated that he felt very strongly that an animal clinic would be inappropriate in the middle of a group of medical and dental buildings. However, if the application were to be approved by the Commission, he believed that assurances should be given that there would be no noise or odor emissions from the building, that the facility should be completely sanitary, that no animals would be kept in the facility overnight, that there would be no problem with rodents, fleas, lice or ticks, and that there would be no animal excrement in front of or behind the facility. He stated that he had written to the Department of Public Health asking that those stipulations be enforced.

January 7, 1976

Eleanor Siden, representing the Ingleside Terrace Homes Association, read the following prepared statement on behalf of Joseph Kramer, President of her organization:

"While we are loathe to having buildings in this block remain vacant and unused, the Ingleside Terraces Homes Association members have two concerns regarding issuance of the subject permit.

- "1. Inadequate parking facilities adding to the already congested conditions prevailing in the area.
- "2. The likelihood of disturbance to adjoining property owners arising from the noise of boarded animals.

"We must oppose the application unless adequate precautionary measures can be assured by the petitioners."

Dr. Ray stated that he occupies offices in the building adjacent to the subject site; and he indicated that he felt that the proposed animal clinic would be incompatible with other uses in the area. In addition to his personal objections, he noted that the city is considering leasing another building in the block for a district health office; and he felt that an animal clinic would not be compatible with that use. Finally, he remarked that there are two schools in the immediate vicinity; and he felt that a facility which would bring additional dogs to the area would be undesirable.

President Newman asked Dr. Ray if he would still be opposed to the clinic if assurances could be given that the facility would be soundproofed and odor free and that no pets would be boarded in the facility overnight.

Dr. Ray remarked that the proposed operation would be different from an ordinary veterinary clinic in that the proposed clinic would neuter animals in a single day whereas veterinarians keep neutered animals overnight in case complications should arise. He advised the Commission that local veterinarians have given some consideration to opening a neutering clinic of their own; but, from a veterinary point of view, the proposed facility would not be a desirable sort of operation to have in San Francisco, particularly on Ocean Avenue adjacent to a residential area. Furthermore, he felt that people would not wish to visit doctors or dentists whose offices are located next door to an animal clinic. Under the circumstances, he was of the opinion that nothing would make the proposed facility acceptable to him in the subject location.

The Rector of St. Francis Episcopal Church, which is located across the street from the subject property, remarked that grassy areas in the neighborhood are already littered with dog feces; and, in view of the information provided in Dr. Maraviglia's letter, he felt that it would not be wise to approve a use which would attract additional animals to the area. While he was supportive of the program of the National Welfare League Inc., he was of the opinion that their clinic should not be permitted on the subject property even if it were to be soundproofed and odor free.

Dr. Maraviglia, who was present in the audience, stated that he also, supported the concept of low-cost animal birth control and had signed the petition which had been circulated by the National Welfare League Inc.; however, he believed that such a facility should be established in a proper location. He remarked that the character of the subject neighborhood is changing; and it is becoming a pleasant area for doctors, dentists, and other professionals. He felt that the proposed animal birth control clinic would have a detrimental effect on the commercial district.

Mr. Gill, remarking that most of the individuals who had spoken in opposition to the application had been concerned about animal feces, informed the Commission that the animals brought to the clinic would be subject to a diet for the preceeding 24 hour period. Furthermore, the staff of the facility would consist of specialists; and they would do whatever cleaning might be required. He felt that the neighborhood would be cleaner if the use were approved.

Mr. Steele stated that a veterinary hospital specializing in animal birth control would serve the entire city and would not be a use oriented to serve primarily the needs of its immediate neighborhood. He noted that the subject property is in a narrow commercial strip which abuts and lies opposite R-1-D use districts; and he indicated that the veterinary hospital which is located at 2445 Ocean Avenue is able to serve the needs of the immediate neighborhood. Under the circumstances, he did not feel that another veterinary hospital on the block would be appropriate or compatible with the character of development of the neighborhood. Finally, he remarked that the applicant had not been able to demonstrate that the subject property is the only available property upon which the use could be established. Therefore, he recommended that the application be disapproved.

Mr. Gill stated that he did not believe that the proposed clinic would be any more of a problem than the veterinary clinic which already exists in the block. He emphasized that San Francisco has a great need for the type of clinic proposed; and he remarked that there are very few locations for such a clinic available at a reasonable cost. He felt that the subject property would be an ideal location for the proposed use.

Dr. Fried, a doctor of veterinary medicine, acknowledged that there is a need for neutering animals; and he indicated that local veterinarians had offered the City and County of San Francisco the use of 15 established veterinary hospitals for animal birth control. However, the city had not responded to the offer. He stated that no creditable veterinarian would refer clients to the proposed clinic which would send the animals home on the same day as they undergo surgery because complications can arise; and he felt that sending the animals home on the same day amounted to cruelty. Furthermore, if the proposed clinic would complete 20 surgeries by noon with such a small staff, he expected that the clinic would be operating under very mediocre standards.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Finn, and carried unanimously that Resolution No. 7437 be adopted and that the subject application be disapproved.

Mr. Steele offered Mr. Gill the services of the staff of the Department of City Planning in trying to find an appropriate location for the clinic.

CU75.61 - 255 to 257 ARGUELLO BOULEVARD, WEST LINE, 75 FEET NORTH OF CALIFORNIA STREET.
REQUEST FOR AUTHORIZATION FOR PROFESSIONAL (LAW) OFFICES IN AN EXISTING TWO-FAMILY DWELLING; IN AN R-4 DISTRICT.

R. Spencer Steele, Zoning Administrator, referred to land use and zoning maps to describe the subject property which has a 25-foot frontage along Arguello Boulevard and a depth of 120 feet for a total area of 3,000 square feet. The property is developed with an occupied two-family victorian style dwelling with two habitable levels and one independently accessible parking space at ground level. The site is adjacent to a nonconforming gasoline station to the south. The applicant proposed to convert the existing building to law offices with no exterior alterations. If the subject application were to be approved, approximately seven off-street parking spaces would have to be provided for the 2200 square feet of office space.

Douglas R. Schmidt, one of the applicants, stated that he and his partner are primarily engaged in appellate practice; and, as a result, the proposed offices would not generate much pedestrian or vehicular traffic. The offices would occupy only the first floor of the building; and the staff would consist of only two attorneys and one secretary. The nature of the office would be indicated on the front door; but no other signs would be installed on the premises. He indicated that the property has two off-street parking spaces; and he would be willing to lease parking spaces at one of the gasoline stations in the area to satisfy the City Planning Code require-

ment. He remarked that the exterior of the building had already been improved; and he indicated that landscaping will be installed. Otherwise, no further changes would be made in the exterior or interior of the building.

N. Arden Danekas, representing the Planning Area for the Richmond (PAR), noted that his organization had consistently fought for the preservation of housing; and, as a result, they were opposed to the subject application. He remarked that Arguello Boulevard, which is residentially zoned, has a number of non-conforming uses already; and he felt that the proposed use would be better located in one of C-1 or C-2 zones in the Richmond District.

Edwin Francis, 234 Arguello Boulevard, stated that there are already a "staggering" number of non-residential uses in his block; and, because of the parking problem, people often park on the sidewalk. He emphasized that properties in the area are zoned for residential use; and he felt that they should be used residentially.

President Newman called attention to letters which had been received in opposition to the application from Judy Ptucha, owner of the building located at 227-229 Arguello Boulevard, and from John Hall, Jr., President of the Clay-Cherry Neighborhood Association.

Mr. Steele remarked that the subject neighborhood has a sufficient amount of commercially-zoned property to accommodate the proposed professional offices. Use of the subject property for offices would increase the level of activity on a residential street and would increase the competition for the limited number of parking spaces in the area. The applicants' proposal would make two housing units unavailable for residential use; and such housing is in short supply throughout the city. Finally, the applicant had demonstrated no public need for additional professional office facilities in the area. Therefore, he recommended that the subject application be disapproved.

After further discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Porter, and carried unanimously that Resolution No. 7438 be adopted and that the subject application be disapproved.

RL18.75.21 - PUBLIC HEARING ON TENTATIVE MAP FOR SUBDIVISION OF HAMMS BREWERY PROPERTY, GENERALLY BOUNDED BY BRYANT, FLORIDA, ALAMEDA AND 15TH STREETS, INTO FIVE PARCELS.

Ralph Gigliello, Planner II, stated that the proposed action consisted of the subdivision of the existing Hamms Brewery, a manufacturing/warehouse/office complex, into five parcels for warehousing,

offices and light manufacturing to be conducted by separate businesses. The proposed project conformed to the City Planning Code with one exception. The subject property contains four illegal signs: a large beer glass and 2 billboards on the roof, and a third billboard on the front building. Section 609.4 of the City Planning Code requires the removal of those signs, with a date of compliance set at November 21, 1975.

No one was present to speak in opposition to the proposed subdivision.

R. Spencer Steele, Zoning Administrator, recommended that the Commission find that the subdivision is consistent with the Master Plan providing, however, that the four illegal signs presently on the site shall be removed prior to recordation of the final map, and all proposals for use of the individual parcels shall be submitted to the Department of City Planning for review as to conformity with the City Planning Code, and such review shall give particular attention to requirements for off-street parking and loading, and for signs. He then distributed copies of the draft resolution which he had prepared in accordance with his recommendation.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Finn, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7439.

The meeting was adjourned at 6:00 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

SUMMARY AND MINUTES
OF THE
SAN FRANCISCO
CITY PLANNING COMMISSION
REGULAR MEETING
THURSDAY
JANUARY 22, 1976
ROOM 282, CITY HALL
2:30 P.M.

The City Planning Commission met pursuant to notice on Thursday, January 22, 1976, at 2:30 p.m. in Room 282, City Hall.

PRESENT: James J. Finn, member of the City Planning Commission.

In the absence of a quorum, Commissioner Finn continued all items on the agenda to a Special Meeting to be held on Tuesday, February 3, 1976, at 2:15 p.m. in Room 282, City Hall.

Lynn E. Pio
Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Special Meeting held Tuesday, February 3, 1976.

The City Planning Commission met pursuant to notice on Tuesday, February 3, 1976, at 2:15 P.M. in Room 282, City Hall.

PRESENT: Susan J. Bierman, Ina F. Dearman, James J. Finn, Gordon J. Lau, Thomas J. Mellon, Toby Rosenblatt, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; George A. Williams, Assistant Director-Plans and Programs; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Selina Bendix, Environmental Review Officer; Lucian Blazej, Planner IV; Alec Bash, City Planning Coordinator; Ralph Gigliello, Planner II; Douglas Holmen, Planner II; Mark Wingron, Planner II; Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle.

APPROVAL OF MINUTES

It was moved by Commissioner Finn, seconded by Commissioner Rosenblatt, and carried unanimously that the minutes of the meetings of October 23 and 30 and December 11 and 18, 1975, and January 22, 1976, be accepted with no objection.

ELECTION OF OFFICERS

Commissioner Mellon, Acting Chairperson, called for nominations for the office of President of the City Planning Commission. Commissioner Dearman nominated Commissioner Lau for the office. The nomination was seconded by Commissioner Starbuck. As no further nominations were forthcoming, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the nominations be closed. When Commissioner Mellon called for the vote on the nomination of Commissioner Lau, the Commission voted unanimously to elect Commissioner Lau to the office.

Commissioner Mellon then called for nominations for the office of Vice President of the City Planning Commission. Commissioner Bierman nominated Commissioner Rosenblatt for this office. The

FEBRUARY 3, 1976

nomination was seconded by Commissioner Dearman. As no further nominations were forthcoming, it was moved by Commissioner Lau, seconded by Commissioner Bierman, and carried unanimously that the nominations for the office be closed. When Commissioner Mellon called for the vote on the nomination of Commissioner Rosenblatt to the office, Commissioner Rosenblatt was unanimously elected.

Newly elected President Lau then assumed the chair.

CURRENT MATTERS

Edward I. Murphy, Acting Director of Planning, congratulated the new officers of the Commission and advised President Lau that the Charter provides that he will also serve as an ex-officio member of the Art Commission.

Mr. Murphy advised the Commission of two Special Meetings scheduled on Tuesday, February 10 at 9:00 A.M. and on Tuesday, February 17, at 7:30 P.M.

RL18.75.24 - PUBLIC HEARING ON TENTATIVE MAP FOR A 6-UNIT CONDOMINIUM SUBDIVISION AT 151 RIPLEY STREET, LOTS 21, 22, 23, & 25 IN ASSESSOR'S BLOCK 5543.
(Postponed from meeting of January 22, 1976.)

Alec Bash, City Planning Coordinator, referred to land use and zoning maps to describe the subject property, which is an L-shaped parcel with a frontage of 50 feet on both Ripley and Harrison Streets for a total area of 10,500 square feet. The portion of the property fronting on Ripley Street is Zoned R-2; and the remainder of the site is Zoned R-1. The property is subject to the provisions of a 40 X-Height and Bulk District. Two dwelling units have recently been constructed on the site which are already occupied; and four other dwelling units are under construction. The applicant proposed to convert the six dwelling units into condominiums when they are completed. The building will have access onto Ripley Street and will basically consist of four units in a two-story above parking portion at Ripley Street and two units (those already completed) in a one-level portion set further back from Ripley Street. Sales prices are anticipated to range from \$50,000 to \$60,000. The unit which is presently occupied commands a monthly rental fee of \$500. In conclusion, Mr. Bash stated that the proposed condominium conversion was categorically exempt from environmental review requirements.

Commissioner Bierman asked if the present occupant of the building would be displaced by the condominium conversion. Mr. Bash replied that he did not know whether the occupant plans to purchase the unit.

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Commissioner Finn asked if the present occupants would be given the right of first refusal to purchase the units occupied. Mr. Bash replied in the affirmative.

Commissioner Starbuck asked for an elaboration as to why the conversion was exempt from environmental review requirements. Mr. Bash replied that condominium conversion of existing buildings is basically a financial matter; and that there are State guidelines and local guidelines pursuant thereto which have determined that such conversions could not have a significant effect on the environment.

Gloria Ramos, the applicant, advised the Commission that the project had been the subject of an environmental evaluation when the building permit was filed for construction of the building; and the project had been given a negative declaration at that time. She emphasized that condominium conversion does not result in a change of use but only in a change of ownership. She stated that the current occupants of the building do definitely intend to purchase their units. In conclusion, she remarked that people who can afford to purchase their apartments prefer to do so because of the tax benefits which ownership provides.

No one else was present in the audience to speak in favor of or in opposition to the proposed conversion.

President Lau noted that a petition signed by eight residents of the neighborhood who were in favor of the proposed conversion had been received by the Commission.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the Commission adopt a draft resolution with the following resolves:

"THEREFORE BE IT RESOLVED, That the units be converted are hereby determined to be not part of the low or moderate income housing stocks of the City;

"AND BE IT FURTHER RESOLVED, That the City Planning Commission does hereby find that the condominium subdivision at 151 Ripley Street, Lots 21, 22, 23 and 24 in Assessor's Block 5543, as set forth in the tentative map submitted with Referral No. R118.75.24, is consistent with the Master Plan; provided, however, that the following conditions are complied with:

- "1. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code.

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- "2. The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied, as required by Section 1385 (d) of the Subdivision Code.
- "3. The subdivider shall comply with any applicable temporary, permanent, and low and moderate income relocation requirements of Section 1385 (e), 1385 (f), and 1385 (g) of the Subdivision Code."

Commissioner Starbuck questioned why condition No. 3 had been included in the draft resolution if a determination had been made that the units to be converted are not part of the lower or moderate income housing stock of the city. Mr. Steele replied that the condition is customarily included in the Commission's resolution of approval so that applicants will be aware of their legal obligations under the Subdivision Code.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7440.

EE73.195, EE73.196, EE73.200, EE73.201, EE73.205. -
PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT
REPORT FOR FIVE SIX-UNIT APARTMENT BUILDINGS
ON THE EAST AND WEST SIDES OF 10TH AVENUE
BETWEEN LINCOLN WAY AND IRVING STREET.
(Postponed from the meeting January 22, 1976.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that both the developers and representatives of the subject neighborhood had requested that this matter be postponed for 3 or 4 weeks, he recommended that the matter be calendared for hearing during the Commission's Regular Meeting on February 26.

Michael Ohleyer, attorney for the developers, stated he would be out of town on February 26; and he requested that the public hearing be postponed until March. Denis Mosgofian, representing the Inner Sunset Neighborhood Committee, joined in the discussion. Finally, he indicated that postponement of the matter until the Commission's meeting on March 25 would be acceptable to residents of the neighborhood although they would be prepared to have the hearing calendared at an earlier date.

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It was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that this matter be postponed until the Commission's meeting on March 25, 1976, at 3:00 P.M.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NOS. 428231, 428406, 428407, 428408 AND 428410 FOR CONSTRUCTION OF FIVE SIX-UNIT APARTMENT BUILDINGS ON THE EAST AND WEST SIDES OF 10TH AVENUE BETWEEN LINCOLN WAY AND IRVING STREET.

(Postoned from meeting of January 22, 1976.)

Since the Public Hearing on Environmental Impact Report for the proposed buildings had been postponed until the meeting of March 25, 1976, this matter, also, was postponed to that date.

R75.62 - REVOCABLE ENCROACHMENT PERMIT TO LANDSCAPE AND MODIFY SIDEWALK WIDTHS ON GRANT BETWEEN BEACH AND NORTHPOINT STREET.

Ralph Gigliello, Planner II, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the subject referral has been transmitted by the Director of Public Works for review as to conformity with the Master Plan.

"Northpoint Investors propose to modify Grant Avenue from The Embarcadero for one block south to North Point Street. Modifications would consist of alterations to the curb lines, installation of textured 'bomanite' paving, and landscaping to include street trees, shrubs and ground cover. The street area, exclusive of the existing sidewalks, is 23 feet wide and 275 feet long.

"The subject portion of Grant Avenue is not intended for through traffic, but is a one-way street used primarily as a service street for neighboring office buildings. A pedestrian plaza extends for about 100 feet along the eastern edge of Grant Avenue at The Embarcadero. The street, as redesigned under the present proposal, would be a pedestrian way permitting passage of vehicles but discouraging through traffic.

"The Transportation Element of the Master Plan states policies in furtherance of Objective 3 of the Thoroughfares Plan, 'Provide safe and pleasant space for pedestrians.' Policy 2 under that objective calls for retention of streets not required for traffic, in order to provide for pedestrian circulation and open space use.

"The subject portion of Grant Avenue is shown in the Transportation Element as providing a one-block link in the Northern Waterfront bicycle route. The Traffic Engineering Division of the Department of Public Works reports that this portion of Grant Avenue is now inappropriate for such designation because it is a one-way street and not suitable for two-way traffic; the bicycle route would properly be located one block to the west on Stockton Street, a two-way local street.

"The Urban Design Element of the Master Plan, in Conservation Policy No. 9, states criteria for reviewing proposals for the giving up of public rights in street areas through revocable permit. The proposed development would not violate any of the 12 listed criteria. That policy states, further, that a proposal for release of a street area may be considered favorably when it would be 'in furtherance of the public values and purposes of streets as expressed in the Urban Design Plan and elsewhere in the Master Plan.'

"The Northern Waterfront Plan, a part of the Master Plan, covers the area in question but is not affected by the subject proposal."

Commissioner Bierman asked if any objections were anticipated with regard to the proposed change of the bicycle route. Mr. Gigliello replied in the negative, indicating that the bicycle route had not been marked but had only been indicated on plans.

Donald Wyler, representing Northpoint Investors indicated that he was present to answer any questions which might be raised by members of the Commission.

No one was present to speak in opposition to the applicant's proposal.

Edward I. Murphy, Acting Director of Planning, recommended that the granting of the revocable encroachment permit be approved as in conformity with the Master Plan.

Commissioner Starbuck asked if the revocable encroachment permit could be revoked by the City at any time. Mr. Murphy replied in the affirmative.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Mellon, and carried unanimously that the Director be authorized to report that the granting of the re-

vocable encroachment permit for modifications to that portion of Grant Avenue between The Embarcadero and Northpoint Street, generally conforming to the site plan prepared by Gensler and Associates and dated October 31, 1975, as revised December 8, 1975, is in conformity with the Master Plan.

R75.63 - REVOCABLE ENCROACHMENT PERMIT AT ICE HOUSE ALLEY ON UNION STREET TO INSTALL STAIRS, A PLATFORM, A CANOPY, RAMPS, LANDSCAPING, A KIOSK, IRRIGATION SYSTEMS AND OTHER ITEMS.

Douglas Holmen, Planner II, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the subject referral has been transmitted by the Director of Public Works for review as to conformity with the Master Plan.

"The proposal is to expand on previous revocable permits recommended favorably upon by the Commission on June 27, 1968, and April 30, 1969. The revocable permit of June 27, 1968 was for legalizing existing building encroachments. The revocable permit of April 30, 1969, was for closing Gaines Street (now Ice House Alley) to traffic at Union Street, to install stairs, lighting and paving in Union Street and to extend sidewalk pavement and landscaping for 31 feet into the south side of Union Street.

"On August 2, 1968, a request to vacate air space over portions of Gaines Street south of Union Street to construct a connecting passageway between the then two cold storage warehouses on either side of Gaines Street was recommended favorably upon by the Commission.

"The present proposal would make a number of modifications within the existing revocable encroachment area. A new single flight of concrete stairs leading from the south side of Union Street to Ice House Alley would replace the existing pair of worn wooden stairs. A new and larger sidewalk (drop-off landing) of concrete at the head of the stairway would replace the existing concrete landing. New canopies approved by the Fire Department would be placed over the drop-off landing, the stairway, and from the stairway to a point adjacent to the buildings, and over those portions of Ice House Alley which are identified on the set of plans entitled 'New Entrance to The Icehouse', dated October 8, 1975, by the proposed project's architects. New landscaping, an irrigation system, and a modified lighting system would be placed in the area around the new concrete stairs and landing area.

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"Aside from the new canopies in Ice House Alley, a new wooden platform with steps, ramps, landscaping, wood planter boxes, irrigation systems, exterior furniture, a kiosk, a lighting system, radiant heating and wood screens would be placed on top of the present ground surface.

"The wood screening should be allowed only if a corridor for pedestrian movement through Ice House Alley is maintained at all times.

"At the request of the Fire Department, the standpipe attached to Ice House No. 2, indicated on the above-referenced plans, should be in view of firemen.

"The Urban Design Element of the Master Plan, in Policy for Conservation No. 9, calls for review of proposals for the giving up of street areas in terms of all the public values that streets afford. It states that release of a street area may be considered favorably when in furtherance of the public values and purposes of streets as expressed in the Urban Design Element and elsewhere in the Master Plan. Principle for Neighborhood Environment No. 15 states that in the design of new pedestrian areas, changes of level can add greatly to interest and amenity if a reasonable relationship between levels is maintained. Principle No. 18 states that alleys and small streets which are usable as part of the general network of pedestrian and service ways are potential areas of activity and interest. Principle No. 19 states that planting and paving treatment in alleys, coupled with active uses in the adjacent buildings, form, in effect, a commercial promenade. These principles are reflected in Policy for Neighborhood Environment No. 13 and elsewhere in the Master Plan. The proposed modifications in the existing revocable encroachment would be consistent with these principles and policies provided that the wood screening will not deter pedestrian activity."

Commissioners Mellon and Bierman asked if the staff was satisfied that the wood screening would provide a corridor for pedestrian movement through Ice House Alley. Mr. Holmen replied that it was somewhat difficult to make that determination from the plans which had been presented; however, the staff would recommend that the Commission make its approval of the request for the permit conditional upon such access being maintained at all times.

Ted Moulton, architect for the applicant, stated that his client, in filing for the revocable encroachment permit, had stipulated that the street area would continue to be open to the public at all times.

Commissioner Starbuck, noting that the applicant intended to replace existing wooden stairs with concrete stairs asked if the wooden stairs are unsafe. Mr. Moulton replied in the affirmative but indicated that the new stairs could be constructed of some material other than concrete.

Commissioner Starbuck then observed that it appeared almost all of the street area would be covered with canopies and that screens would be installed at the entrance to the street. Since the screens might tend to exclude the public from the street area, he wondered why they had been proposed. Mr. Moulton replied that the project had been undertaken to provide what would essentially be a "front door" for the two buildings on opposite sides of the street; and the screening at the entrance had been proposed to serve as a wind-break. Other elements of the design had been proposed for esthetic reasons; and he again assured the Commission that there was no intention of excluding the public from the street area.

Commissioner Starbuck asked if the street area would be locked at night. Mr. Moulton replied in the negative.

No one was present to speak in opposition to the applicant's proposal.

Edward I. Murphy, Acting Director of Planning, recommended that the plans be amended to show one or more distinct corridors for pedestrian movement through or around the wood screens and that the revised proposal be approved as in conformity with the Master Plan.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Bierman, and carried unanimously that the Acting Director be authorized to report that the granting of a revocable encroachment permit for Ice House Alley and the south side of Union Street, as indicated in the plans entitle "New entrance to the Ice House", dated October 8, 1975, by Moulton and Clark, Inc., to be amended to show one or more distinct corridors for pedestrian movement through or around the wood screens, is in conformity with the Master Plan.

At 3:25 P.M. the Commission adjourned to Executive Session.

EXECUTIVE SESSION

The Commission met in Executive Session to consider the appointment of the new Director of Planning.

The meeting was adjourned 4:40 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

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Minutes of the Regular Meeting held Thursday, February 5, 1976.

The City Planning Commission met pursuant to notice on Thursday, February 5, 1976, at 1:00 p.m. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; George A. Williams, Assistant Director-Plans and Programs; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert Meyers, City Planning Coordinator; Joseph Fitzpatrick, Planner III; Janis Birkeland, Planner III - Urban Design; Audrey Owen, Administrative Assistant to the Director of Planning; Robert Feldman, Planner II; Katherine Hermann, Planner II; James Hirsch, Planner II; Douglas Holmen, Planner II; Edward Green, Planner I; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

1:00 P.M. - Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:00 p.m. to take a field trip to properties which were the subject of calendar items which were considered later in the afternoon.

2:15 P.M. - Room 282, City Hall

CURRENT MATTERS

Edward I. Murphy, Acting Director of Planning, reported that the location of the Special Meeting to be held on Tuesday Evening, February 17 at 7:30 p.m. has been changed to the Mission Neighborhood Center at 362 Capp Street. The Mission Plan will be considered at that meeting.

Mr. Murphy informed the Commission that the Board of Supervisors had adopted a resolution requesting all Boards and Commissions to hold their meetings during hours convenient to the public they serve, giving special consideration to setting public hearings during evening hours on issues of salient public interest. Later in the meeting, President Lau requested that a public discussion of this issue be calendared for the meeting to be held on February 19 and requested that all neighborhood organizations be notified of that meeting.

Mr. Murphy advised the Commission that the Department of City Planning is assisting the Recreation and Park Department in the preparation of a long-range development plan for McLaren Park. A work program has been prepared and will be the subject of four meetings to be held with interested individuals and groups from the Visitacion Valley, Excelsior, Crocker-Amazon and Portola Districts. He indicated that members of the Commission were invited to attend those meetings.

Mr. Murphy distributed background materials pertinent to a proposed amendment to the City Planning Code regarding institutional master plans and the proposed Mt. Sutro Communities' Master Plan, both matters being scheduled for consideration during the meeting of February 19.

Mr. Murphy continued his report as follows:

"Beginning last Tuesday, the owner of the property at the southeast corner of Hyde and Chestnut Streets on Russian Hill has been removing large cypress trees that have formed a very prominent grove on the site.

"The staff has been intensely concerned about this tree removal. The trees are considered important to the city in general, and it has always been hoped that in any development of the site a number of the trees would be retained.

"Efforts have been made to stop the removal. We have felt that at least the spirit of the State environmental review requirements has been violated, in that the removal of trees will ultimately be related to development on the site at a future date. However, the owner has indicated repeatedly that he has no present intention to develop or subdivide. Unfortunately, removal of trees on private property does not in itself require any City permit, and environmental review must always be tied to the issuance of permits by the City. If it is not possible to relate the tree removal to future development, it is very difficult to bring the State law to bear.

"The Department has been able to secure from the owner a statement that at least the trees along the east property line of the site will be retained. We are still making an effort to see that more trees are kept, especially those at the corner of Hyde and Chestnut Streets. We do not know whether that effort will be successful.

"One lesson is clear from what has been occurring: if the City had an ordinance regulating removal of notable trees such as these, the owner could not have gone ahead in this manner. For that reason, the staff is looking into the possibilities for such an ordinance, and will be prepared to report to the Commission when that research has been completed."

Commissioner Bierman asked if there were anything that the Commission could do to halt the removal of the trees in the present instance. After Mr. Murphy had replied that the Commission had little authority to do anything other than exercise persuasion, Commissioner Bierman moved that a letter be sent to the

owner of the property to express the deep concern of the Commission regarding the removal of the trees. The motion was seconded by Commissioner Starbuck.

Harvey Freed, 2351 Leavenworth Street, stated that he represented a concerned group of Russian Hill residents. He urged the Commission to recommend the enactment of an ordinance which would govern the removal of trees of significance from any property in San Francisco; and he offered to assist in the drafting of such an ordinance. He stated that the trees on the property at Hyde and Chestnut Streets have stood for more than 50 years; and he indicated that the owner of the property had destroyed approximately 40 of those trees. Both private and official appeals had failed to halt the removal of those trees. While he recognized that the owner of the property has a legal right to cut the trees down and that the City, without any ordinance giving it power to act, was helpless to prevent the tree removal, he felt that the situation was intolerable. He remarked that the tree removal violated the spirit of the Urban Design Plan; and he noted that the Zoning Administrator, when plans for the development of the property were previously under consideration, had written a letter suggesting that as many trees as possible should be preserved on the site. A similar situation had occurred on a parcel of property only one-half block away from the property near Hyde and Lombard Streets where a mature and prominent tree had been removed; and he felt that the City should have an ordinance to prevent such occurrences. Nevertheless, even in the absence of such an ordinance, he believed that the City should have had some authority to prevent the removal of the trees on the property presently under consideration since the California Environment Quality Act applies to multi-stage projects such as the one which had been proposed for the property which the former Commission had agreed to take under discretionary review. In conclusion, he requested that the Commission do whatever it could to prevent the removal of any more trees from the property at Hyde and Chestnut Streets; and he urged that a reasonable ordinance with city-wide impact be enacted to govern the removal of trees from private properties.

President Lau asked if anyone were present in the audience representing the owner of the property at Hyde and Chestnut Streets and received no response.

Peter Svirsky, Executive Assistant to the Director of Planning, stated that he had had discussions with the City Attorney's office in an effort to determine whether a significant enough connection could be made between the removal of the trees and possible future development of the property to give the Department a basis for going to court over the issue on the basis of a violation of State law; but the results had not been encouraging. He had also had a number of discussions with Mr. Freed, and with the owner of the property who had repeatedly insisted that no development of the property is being considered at the present time. He had made it plain to the owner that the removal of the trees had violated the spirit of the law; but most of the trees have now been removed.

President Lau asked if the owner of the property had given any reason for the removal of the trees. Mr. Svirsky replied that the owner had been very vague and had, in effect, taken the position of "why not?". He felt that the owner realized that it might be opportune to remove the trees at the present time to avoid controversy when the site is developed in the future.

Commissioner Bierman, remarking that the matter appeared to have a great deal of urgency, suggested that the Commission should perhaps send a telegram rather than a letter.

Commissioner Starbuck remarked that the Commission had visited the site during its field trip earlier in the afternoon and had witnessed the "carnage"; and he remarked that it was the worst example of "neighborhood suicide" and "urban clear cutting" that he had seen. It appeared that all that would be left was one tree at the corner of the property. He felt that the situation clearly demonstrated that San Francisco should have an ordinance governing the removal of trees from private property at the earliest possible moment.

Commissioner Rosenblatt felt that the urgency of the situation dictated that the Commission should ask for a telephone call instead of a letter. He therefore moved that the motion be amended to specify that the staff of the Department of City Planning should be instructed to telephone the owner of the property to express the deep concern of the Commission regarding the removal of the trees. The motion was seconded by Commissioner Starbuck. When the question was called, the Commission voted unanimously to amend the motion. When the question on the main motion, as amended, was called, the Commission voted unanimously to direct the staff of the Department of City Planning to telephone the owner of the property at the southeast corner of Hyde and Chestnut Streets to express the deep concern of the Commission regarding the removal of the trees.

Mr. Freed requested that the Commission's action be taken in the form of a resolution for public record. President Lau replied that the minutes of the meeting would reflect the action taken by the Commission.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, stated her Board had previously given consideration to the building which had stood on the property at Hyde and Chestnut Streets but had not found it to be suitable for designation as a landmark. However, significant mention had been made of the trees at that time.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Dearman, and carried unanimously that the staff of the Department of City Planning be instructed to look into the possibility of a City ordinance which would control the removal of notable trees by private property owners.

President Lau announced the following Committee assignments:

CITY-WIDE COMPREHENSIVE PLANS

Meets Second Thursday of each month, 12:00 Noon.

Bierman, Chair
Rosenblatt
Starbuck

NEIGHBORHOOD PLANS

Meets third Thursday of each month, 12:00 Noon.

Dearman,, Chair
Bierman
Starbuck

IMPLEMENTATION

Meets last Thursday of each month, 12:00 Noon.

Starbuck, Chair
Bierman
Dearman

BUDGET & PERSONNEL

Meets at Call of Chair.

Rosenblatt, Chair
Dearman
Lau

Commissioner Rosenblatt whimsically requested the record to reflect the fact that snow had fallen in San Francisco on the first day that the new members of the City Planning Commission had taken a field trip.

LM75.4 - PUBLIC HEARING ON A PROPOSAL TO DESIGNATE THE GEARY THEATER,
415 GEARY STREET, AS A LANDMARK.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), described the architectural and historic attributes of the subject building which had encouraged the Landmarks Preservation Advisory Board to recommend that it be designated as a landmark. Those attributes are described in a case report which had been prepared for the Landmarks Preservation Advisory Board and which is on file in the Department of City Planning.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, indicated that she was present to answer any questions which might be raised by members of the Commission.

President Lau asked if anyone was present in the audience to speak in opposition to the proposed designation and received a negative response.

Commissioner Bierman asked if the owners of the building were in favor of the designation. Charles Dillingham, Manager of the American Conservatory Theater, owners of the building, replied in the affirmative.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7441 be adopted approving the designation of the Geary Theater, 415 Geary Street, as a Landmark.

LM76.1 - PUBLIC HEARING ON A PROPOSAL TO DESIGNATE THE SAN FRANCISCO ART INSTITUTE, 800 CHESTNUT STREET, AS A LANDMARK.

Commissioner Rosenblatt requested permission to abstain from consideration of this matter since he serves as a member of the Board of Trustees of the San Francisco Art Institute. It was moved by Commissioner Finn, seconded by Commissioner Starbuck, and carried unanimously that Commissioner Rosenblatt be allowed to abstain from consideration of this matter.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the Board of Directors of the San Francisco Art Institute seemed to have some misunderstanding regarding the consequences of the proposed designation. As a result, he and the President of the Landmarks Preservation Advisory Board had agreed to attend the next meeting of the Board of Directors to discuss the matter; and he therefore recommended that consideration of this matter be postponed until the meeting of March 4, 1976.

After discussion it was moved by Commissioner Mellon, seconded by Commissioner Finn, and carried unanimously that consideration of this matter be postponed until the meeting of March 4, 1976. Commissioner Rosenblatt abstained from voting.

DR76.1 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 452233 FOR SAN FRANCISCO FIREMEN CREDIT UNION BUILDING AT THE NORTHEAST CORNER OF MARKET AND CASTRO STREETS.

Douglas Holmen, Planner II, stated that this matter had been brought before the Commission for discretionary review in accordance with the Commission's policy of reviewing all applications for new and enlarged buildings and open land uses along Market Street from the Central Freeway overpass to Diamond Street unless the staff of the Department of City Planning advises that no adverse effect would result from completion of the proposed project. In the present case, community concerns had raised the question of adverse effects. He stated that the San Francisco Firemen Credit Union proposed to construct a two-story office and commercial building with an occupied floor area of approximately 10,520 square feet with rooftop parking for 16 vehicles on property located at the northeast corner of Market and Castro Streets. The lower level of the building, which would be partially below ground level, would contain retail-commercial uses. Credit union offices and rental space would occupy the second level of the building. Nonreflective windows along the Market Street frontage would be provided to allow pedestrian awareness of the proposed retail establishments. A driveway on the Castro Street frontage would provide ingress and egress to the parking area. Landscaping would be provided in the rooftop parking area to mitigate the potential unsightliness of the rooftop parking area. He stated that the proposed

project would conform to all applicable City Planning Code requirements with the exception of off-street parking. However, an application for a variance from the Planning Code, to reduce the number of required off-street parking spaces from 21 to 16, had been granted by the Zoning Administrator on January 20, 1976.

Richard Wall, representing the San Francisco Firemen Credit Union, indicated that he was present to respond to any questions which might be raised by members of the Commission.

Jude Laspa, President of the Eureka Valley Promotion Association and Chairman of the Mayor's Advisory Committee on Upper Market Street, stated that residents of the subject neighborhood had a number of concerns relating to the proposed building. They did not object to the automobile orientation of the building; but they felt that the building should be designed in harmony with its surroundings. Of primary concern was the exposed rooftop parking which would establish a precedent in the area; and, while the applicants had proposed use of some trellis work, only a minimum treatment was being considered. He also felt that it would be beneficial to increase the amount of rooftop planting which was being proposed by the applicants. He remarked that the ground floor commercial space would be submerged approximately five feet below grade; and, since the proposed building will be located at one of the most significant pedestrian intersections in the city, he felt that access to the commercial space should be available directly from the sidewalk instead of requiring the use of stairs. While the use of the building was of some concern to residents of the neighborhood, they would not oppose it on that basis alone; however, they would prefer a building which would provide more neighborhood services. Finally, the organizations which he represented hoped that the building could be redesigned to complement the existing character of the neighborhood. As presently designed, the building looked as if it had been designed for Walnut Creek or Palo Alto and not San Francisco; and, if the Commission had concerns about Downtown San Francisco becoming "Manhattanized", he hoped that it would also protect San Francisco's residential neighborhoods from becoming "suburbanized".

Commissioner Bierman, remarking on the problem of access to the commercial space, asked if the building would have elevators. Mr. Laspa replied that the building would have elevators to serve the second floor offices and the rooftop parking area. However, his concern was that the building be redesigned to provide direct access to the commercial space from the Market Street sidewalk. He also remarked that shopping areas in the vicinity have a shortage of off-street parking spaces; and the neighborhood is concerned that housing in the area might be torn down to provide off-street parking spaces for the commercial area. Under the circumstances, he hoped that the 16 off-street parking spaces on the roof of the proposed building would be made available to the public when they are not being used by tenants of offices in the building.

Dorice Murphy, member of the Board of Directors of the Eureka Valley Promotion Association, questioned whether the proposed building would have a room which will be used by the Board of Directors of the San Francisco Firemen Credit Union; and, if so, she wondered if it would be available to community groups for

use during evening hours. She emphasized that the Market/Castro area is a growing and vital neighborhood; and, since the design of the proposed building would set the pace for future development in the area, she felt that the plans should be carefully scrutinized.

Roy Ettinger, read and submitted the following letter which had been prepared by Dale H. Champion, President of the Buena Vista Neighborhood Association:

"Our association has carefully reviewed the plans for the proposed Firemen's Credit Union building. We think it would be a serious mistake to approve it as it is now presented to you.

"It falls far short of its potential for being a successful building architecturally and far misses the mark for being a significant building occupying a corner of the most important intersection in the Upper Market.

"We recommend that you call for a redesign of the project to provide for 1) a real two-story building; 2) street level retail space and 3) enclosed parking.

"The deficiencies of the current plans could have been avoided, we feel, if the building proponents had engaged the participation of our association and other neighborhood groups early in their design process. Instead, they have totally ignored us. At no time, so far as we know, have they ever invited a single affected neighborhood group to review their plans. Nor was any approach ever made to the Mayor's Advisory Committee for Upper Market, which like its participating community groups has focused its attention on the development of a physically and socially strong, community-oriented Upper Market Street.

"This project, as we've best been able to ascertain, reached the Planning Department in virtually completed form. That condition precluded shaping it according to the sensitivities of the surrounding neighborhoods and bringing it in harmony with a rebuilt Upper Market Street. The changes made in the design since it first came under official scrutiny have involved little more than simple cosmetics.

"What worries us greatly is the precedent approval of this building would set for other construction on Upper Market, where, as you know, there has been a massive investment of public funds for underground transit and new surface beautification and configurations. In recognition of that investment and the importance of the street, the Planning Commission, under a resolution adopted unanimously last November, agreed to exercise discretionary review on Upper Market Street projects. This current project is the first building to come before the Commission since that review policy was set. You can perhaps understand, therefore, our concern that the design of the Firemen's Credit Union building establish a good measure for other buildings that are certain to come.

"You, of course, will hear arguments that a redesign will be costly. Certainly it will cost something. But it also can be argued that the extra money will result in a far better building, producing more income for its investors and a far more useful and significant addition to the community, which after all has helped created the atmosphere and conveniences that have made the Market-and-Castro building site attractive.

"We urge you to require substantial revision and improvement of the present building plans."

Commissioner Starbuck asked if neighborhood representatives had met with the applicants to discuss their concerns relating to the proposed building.

Mr. Laspa replied in the negative, indicating that he had not become aware of the proposal until plans for the building had been finalized. In the future, he hoped that a mechanism would be established whereby neighborhood groups could learn about proposed developments while they are still in the planning stage.

Mr. Ettinger stated that he was not opposed to construction of the building; however, he felt that the design of the building should be refined in accordance with the recommendations which had been made by Mr. Laspa.

Commissioner Rosenblatt, referring to Mr. Laspa's request that the lower floor of the building be raised to sidewalk level, stated that he had been under the impression that the applicants were operating under a height restriction designed for the protection of the property to the north of the subject site.

Mr. Laspa stated that the property is subject to a 65-foot height limit; and he indicated that the maximum height of the proposed building as measured from the Market Street sidewalk would be 32 feet to the top of the elevator shaft. The property to the north of the subject site is occupied by a building which is used as a dental clinic; and the lower floor of that building does not enjoy a significant view in any case.

Mr. Wall stated that the height of the proposed building would be approximately half of that which would be permitted by the City Planning Code; and he indicated that the applicants did not wish to "Manhattanize" the Castro/Market area. When the proposal had first been discussed with the staff of the Department of City Planning, the staff had suggested that the building should provide space for retail stores; and, as a result, the first floor of the building, which had originally been designed for offices, was redesigned for retail use. While Mr. Laspa had objected to the rooftop parking, he emphasized that the parking spaces would be screened with trellises and landscaping. With regard to the appearance of the proposed building, he remarked that different people have different opinions regarding aesthetics; however, if specific suggestions were made regarding the design of the building, they would be taken into consideration by the applicants. He stated that the subject property had previously been occupied by a gasoline service station which had never been modernized; and he felt that the proposed building would upgrade the neighborhood. Finally, he acknowledged that retail spaces should have easy access for pedestrians; and he indicated that

recent changes which had been made in the plans for the proposed building would improve the access to the lower level retail space.

Commissioner Dearman asked if the applicants would be unwilling to cover the proposed rooftop parking. Mr. Wall replied that the parking would be screened with landscaping and trellises; and he felt that it was questionable whether the appearance of the building would be improved if the parking area were to be fully enclosed.

Commissioner Rosenblatt asked if the rooftop parking spaces would be used by tenants of the building during nonbusiness hours. Mr. Wall replied that the rooftop parking spaces would be used by the San Francisco Firemen Credit Union at night only when Board meetings or other meetings are scheduled; however, the parking spaces would be available to the retail tenants at all times.

Mr. Steele stated that he had understood that the applicants were operating under certain height restrictions; and he asked for clarification on that point.

Mr. Arthur McIntyre, Secretary - Manager of the Credit Union, replied that the San Francisco Firemen Credit Union, in purchasing the subject property, had entered an agreement with the owners of the property to the north that no building with a height of more than two-stories would be constructed on the subject property for 15 years or until such time as the premises to the north are vacated. Furthermore, by limiting the height of the building to that proposed, it would be possible to have vehicular access to the rooftop parking spaces directly from Castro Street. When Mr. Steele asked if the agreement with the property owner to the north was in the form of a deed restriction, Mr. McIntyre replied in the affirmative. In conclusion, Mr. McIntyre stated that he did not feel that automobiles parked on the roof of the proposed building would be visible from Castro Street.

Commissioner Bierman observed that the automobiles would more than likely be visible from residences further up the hill.

Commissioner Dearman asked how many curb-side parking spaces would have to be removed for the driveway to the rooftop parking spaces. Mr. McIntyre replied that the driveway would probably not require the removal of more than two curb-side parking spaces.

Mr. Laspa emphasized that he did not oppose construction of the proposed building and indicated that he had not opposed the applicant's request for a parking variance. However, he felt that it should be possible for the applicants to cover the rooftop parking spaces in some manner and to install more landscaping; and he believed that the value of the building would be increased if better pedestrian access were provided for the retail space.

Mr. Clemons, President of the Duboce Triangle Association, stated that the members of his organization shared the concerns which had been expressed by Mr. Laspa and in the letter which had been read on behalf of Mr. Champion.

Robert MerKadeau, architect for the applicants, stated that he was confident that the rooftop parking would be effectively screened from adjacent properties; and, as a result, construction of a roof over the parking spaces would accomplish nothing. With regard to pedestrian access to the retail space, he stated that raising of the lower floor of the building to the Market Street sidewalk level would make it impossible for automobiles to have direct access to the rooftop parking from Castro Street.

Mr. Laspa recognized that the plan might effectively screen the rooftop parking from adjacent properties; however, he pointed out that the rooftop parking would be visible from all of the surrounding hillsides. He felt that approval of such exposed parking would set a bad precedent for the area.

Mr. Steele remarked that it appeared that the applicant's deed restriction pertaining to height would prevent construction of a roof over the rooftop parking spaces, although it might be possible for the applicant to install more landscaping for more effective screening of those parking spaces. With regard to the question of access to the retail spaces in the building, he indicated that improvements had been made in the most recent plans which had been submitted to the Department of City Planning even though it would still be necessary to descend a flight of five steps from the Market Street sidewalk to enter the retail spaces. Questions of design are a very subjective matter; and he indicated that his own tendency was to agree with the general scheme which had been proposed by the applicant's architect. He stated that the building would contain a board meeting room; but the room would be located in an area where it could not be made available to members of the public during the evening without opening up the entire building. He felt that the design proposed was the best which could be achieved at the present time; and, therefore, he recommended that the building permit application be approved subject to five specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

Commissioner Rosenblatt asked if the agreed upon height limit would be violated if a trellis of some kind were to be constructed above the parking spaces at the height of the elevator penthouse. Mr. Steele replied that he did not know the actual terms of the agreement on the height limitation; however, he observed the mechanical penthouses are usually exempted from height restrictions.

Commissioner Starbuck inquired about the nature of the landscaping proposed for the rooftop area. Mr. MerKadeau referred to plans which were posted on the wall of the meeting room to describe the proposed landscaping.

Commissioner Rosenblatt asked Mr. MerKadeau what instructions he had been given regarding the height of the proposed building. Mr. MerKadeau replied that he had been told that the building should not exceed a height of two stories above Market Street.

Mr. Laspa inquired if the owners of the dental clinic to the north had been asked if they would object to construction of a trellis over the rooftop parking.

Mr. McIntyre replied in the negative. Mr. Laspa then requested that action on this matter be postponed for two weeks so that that possibility could be explored.

Commissioner Bierman noted that no one seemed to be totally opposed to the proposed building; and it did not seem to her that the problems which had been mentioned would be insurmountable. Therefore, she moved that this matter be taken under advisement for two weeks. The motion was seconded by Commissioner Dearman.

Commissioner Rosenblatt felt that it would be preferable for the Commission to adopt the draft resolution which had been recommended by Mr. Steele subject to an additional condition specifying that discussion should take place between the staff of the Department of City Planning, neighborhood representatives, and the applicants to determine if construction of a trellis covering the parking spaces would be compatible with the height limitations contained in the deed restrictions. He stated that he felt that the proposed exposed rooftop parking would set an unfortunate precedent in the neighborhood; but he felt that that issue could be resolved without delaying approval of the project. He therefore moved that the draft resolution be adopted with the amendment which he had suggested. The motion was seconded by Commissioner Mellon.

Commissioner Bierman felt that some of the other suggestions which had been made by neighborhood representatives should be explored further, also. For instance, there is a great need for neighborhood meeting places; and, while it might not be feasible to set aside the board meeting room in the proposed building for public meetings, she felt that suggestions of that sort should be discussed. She believed that a two week postponement would be helpful in terms of getting such issues resolved; and, therefore, she was opposed to the substitute motion.

When the question on the substitute motion was called, the motion failed by a vote of 2 to 5. Commissioners Mellon and Rosenblatt voted "Aye"; Commissioners Bierman, Dearman, Finn, Lau, and Starbuck voted "No".

Mr. Steele recommended that the matter be taken under advisement until the meeting of February 26 since the Commission has a heavy agenda on February 19. Commissioners Bierman and Dearman amended their motion and seconded accordingly. When the question on the main motion, as amended, was called, the Commission voted unanimously to take this matter under advisement until the meeting of February 26 at 3:00 P.M.

At 4:05 p.m. President Lau announced a 10 minutes recess. The Commission reconvened at 4:15 p.m. and proceeded with hearing of the remainder of the agenda.

ZM75.17 - 1818 CALIFORNIA STREET, NORTH LINE, 75 FEET WEST OF FRANKLIN STREET.
R-2 TO AN R-4 DISTRICT.

CU75.55 - 1818 CALIFORNIA STREET, NORTH LINE, 75 FEET WEST OF FRANKLIN STREET.

REQUEST FOR AUTHORIZATION TO CONVERT A 3-UNIT DWELLING TO USE AS A PROFESSIONAL OFFICE FOR A SURGEON; IN AN R-4 DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has a 60-foot frontage on California Street and a depth of 137.5 feet for a total area of 8,250 square feet. The property is occupied by a vacant 20-room Victorian dwelling divided into three dwelling units and with no off-street parking spaces. The building has approximately 7,000 square feet of floor area. The dwelling, known as the Lilienthal-Orville Pratt House, was designated as a Landmark in 1973. The applicant was requesting that the zoning of the property be changed from R-3 to R-4 so that the companion application for conditional use authorization for a professional office in the building could be considered by the Commission. The applicant proposed to use the lower floor of the existing building, approximately 3,500 square feet, as a professional office for a plastic surgeon. In addition, the upper two floors would be used as one dwelling unit. Access to the office would be through the porch door on the east side of the building and access to the dwelling would be through the front door. The office and dwelling parking requirement of about ten off-street parking spaces would be met through arrangements for use of existing parking spaces on other properties in the vicinity. The applicant was not proposing any alterations to the exterior of the building.

Malcolm S. M. Watts, the applicant, stated that he would prefer to defer his presentation until other members of the audience had spoken; however, he was prepared to respond to any questions which might be raised by members of the Commission.

George Roberts, owner of a building located at 1740 Franklin Street, stated that the neighborhood already has a terrible parking problem; and he felt that the applicant's proposal would only add to parking congestion in the area.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, noted that individual members of the Commission had been given copies of a resolution which had been adopted by her Board recommending that both of the subject applications be denied. She stated that her Board felt that continued residential use of the subject building would be economically feasible if efforts were made to find a purchaser desirous of using the structure for residential purposes; and she believed that the present owner of the building had not really made a substantial effort to find a purchaser who would be willing to use the building for residential purposes. She remarked that the Landmarks Preservation Advisory Board had supported a request for conditional use authorization for use of the adjacent Landmark building as attorney's offices after a year and one-half quest to find a residential tenant for that building had been unproductive; but she did not feel that the same situation pertained to the building presently under consideration. She informed the Commission that individuals interested in historic preservation in San Francisco keep each other apprised of prospective

purchasers for certain types of buildings; and the information which she had gotten through that "gravevine" was that the owner of the subject property had assumed that the Commission would grant the rezoning and conditional use request and had not made an effort to find a prospective purchaser who would use the building for residential purposes. She believed that residential use of the building would be economically feasible; and she felt that the reclassification and the granting of the conditional use application, which would tend to erode the surrounding neighborhood, should not be approved at this time. In conclusion, she remarked that any open automobile parking on the subject property would have an extremely detrimental effect on the character of the area.

Charlotte Maeck, representing the Pacific Heights Association, submitted a letter from the Coalition for San Francisco Neighborhoods which read as follows:

"Before you today is a request to make certain changes to the land and use of the building at 1818-1820 California Street, the Landmark Pratt House.

"The Coalition for San Francisco Neighborhoods at its meeting January 20, 1976 discussed the proposed plan to let parking intrude upon the grounds of the Pratt house as well as the intent of the owner to sell the property for use as a "dermatological clinic".

"The neighborhoods of San Francisco have been working for a very long time to preserve and maintain their significant structures for the benefit of all San Franciscans and visitors to this City. Landmark designation and preservation have been an important part of neighborhood efforts City-wide.

"Pacific Heights has perhaps more significant Victorian structures and Landmark buildings than other neighborhoods. Certainly the three imposing Victorian houses on California Street are a keystone in the whole Landmark program of San Francisco. They are the only large homes with a wide expanse of grounds and gardens preserved for all San Franciscans.

"The Coalition wishes to go on record in opposition to the proposed plans. The three Coleman properties on California Street are too important to all San Franciscans to allow any changes in the grounds or use of the structure which would detract from the unique and historical setting.

"We are opposed to intrusion into the residential housing stock of San Francisco by non-residential uses. Indeed, this is one of the important issues in the current residential zoning study.

"The Coalition for San Francisco Neighborhoods supports the Pacific Heights Association in its efforts to maintain the character and grounds of the three Landmark houses on California Street."

Mrs. Maeck stated that the Pacific Heights Association has consistently worked for the preservation of the residential character of the subject neighborhood; and she indicated that 94% of the members of her organization had indicated that they would be in favor of rezoning the entire neighborhood to R-2. She informed the Commission that four or five owners of property in the immediate vicinity of the subject site were in opposition to the applicant's proposal for reclassification and conditional use authorization. While conditional use authorization had been granted for lawyer's offices in the adjacent building on the northwest corner of California and Franklin Streets, a number of individuals and groups had worked over a long period of time to find a tenant who would be willing to preserve that building. The subject property had been on the market for only six or seven months and was, in fact, advertised as an R-5 property which would accommodate physicians. She felt that a sufficient effort had not been made to advertise the property for residential use; and, therefore, she was opposed to the applicant's proposal.

Robert Berner, representing the Foundation for San Francisco's Architectural Heritage, stated that approval of the subject applications would result in the intrusion of a nonresidential use into a residential neighborhood; and that would be contrary to the thrust of the Residential Zoning Study which is currently being undertaken by the staff of the Department of City Planning. The proposed office use of the building, as well as any on-side parking which might be provided, would have a detrimental impact on the integrity of the enclave of landmark buildings in the subject block. Furthermore, reclassification of the property to R-4 would make it possible for a larger apartment building to be constructed on the site in the future; and such an occurrence would have an extremely detrimental impact on the neighborhood. While the applicant had stated on his application that the proposed use of the building would provide an economic justification for the preservation of a historical landmark, no compelling indication had been given that residential use of the building would not be economically feasible. Another argument offered in support of the applications was that similar variances had been granted for the adjacent building. However, he emphasized that the size and configuration of the two structures is quite different; and, whereas it would be feasible to have at least two dwelling units at 1818 California Street since the building has two entrances, the building at 1701 Franklin Street has only one entrance. Furthermore, the building at 1701 Franklin Street was in a derelict condition; and conditions which had been established by the City Planning Commission required that it be rehabilitated. The same circumstances did not apply to the building presently under consideration. Finally, he emphasized that the City Planning Code provides that the City Planning Commission, in approving a conditional use application, must find that the proposed use is "necessary or desirable for, and compatible with, the neighborhood or the community"; and he did not feel that the present applicants' proposals would meet those criteria.

Beatrice Kirschenbaum, representing the Gough Street Property Owners Association indicated her support of the remarks which had been made by other individuals in opposition to the subject applications and stated that the members of her organization would be opposed to any proposals which would bring additional

traffic or parking congestion to the neighborhood or which might have a detrimental effect on the quality of the area.

Mrs. Feldman, 1911 Sacramento Street, stated that she had been a tenant in the subject building for five years. She had hoped to purchase the building for residential use but had been out-bid by individuals who hoped to acquire the building for conversion to offices.

Earl Moss, President of the Victorian Alliance, stated that he had talked to several individuals who had made inquiries concerning the subject property when it was on the market; and he indicated that the property had not been represented as a residential property to any of those individuals. Under the circumstances, he felt that approval of the subject applications would be unjustified at the present time.

Bradford Walker, 1913 Sacramento Street, stated that he was opposed to the subject application. The applicants' proposal would bring more people to the neighborhood; and the neighborhood already has difficulty protecting itself from thieves and other problems.

Anne Bloomfield, representing the Pacific Heights Neighborhood Council, stated that the Board of Directors of her organization had voted unanimously to adopt a resolution opposing the subject applications; and she urged the the Commission to deny the applicants' request.

Roslyn Dienstein, 1800 Gough Street, stated that she was opposed to the subject applications.

Mr. Watts submitted a petition which had been signed by approximately 125 residents of the subject neighborhood; and he indicated that they supported his request for reclassification and conditional use authorization. While several people had objected to open parking on the subject site, he stated that the required off-street parking spaces for the proposed use would be located one block away from the site in a garage. He indicated that the house immediately west of the subject property is owned by the Coleman Estate; and he advised the Commission that he had received a letter from the executor of that estate supporting his applications. He advised the Commission that he had attempted to sell the property for residential use for several months but had been unsuccessful. Finally, he had found a doctor who would be willing to purchase the property and abide by any conditions which might be established by the Commission.

Larry Highland stated that Mr. Watts had purchased the subject property at auction and had totally restored the outside of the building. He had not been able to afford to remodel the inside of the building; and he had made a considerable effort to find someone who would be willing to purchase the property and to restore the interior of the building and maintain the building and the grounds. He hoped that the subject applications would be approved so that the building could be preserved.

Mr. Steele stated that the present R-3 zoning of the subject property is the result of a 20-month effort on the part of neighborhood representatives and City officials and staff culminating as recently as July 6, 1974, in the reclassification of properties to more nearly reflect the existing development of the neighborhood in order to preserve and enhance its character; and the proposed reclassification to R-4 would allow more intensive development out of character with the existing neighborhood. He also noted that the Landmarks Preservation Advisory Board had unanimously passed a resolution requesting that the City Planning Commission deny the reclassification application as well as the conditional use application. Therefore, he recommended that application ZM75.17 for reclassification of the property to R-4 be disapproved.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Starbuck, and carried unanimously that Resolution No. 7442 be adopted and that application ZM75.17 be disapproved.

Mr. Steele stated that the revised Residence Element of the Comprehensive Plan recommends that existing housing suitable for family use be preserved. The proposed professional office would be in conflict with that element and with more restrictive standards currently being developed and proposed under the Residential Zoning Study. Furthermore, since application ZM75.17 for reclassification of the property to R-4 had been disapproved, the conditional use authorization requested by the applicant could not be granted. Therefore, he recommended that application CU75.55 be disapproved.

It was moved by Commissioner Mellon and seconded by Commissioner Rosenblatt that the application be disapproved.

Mr. Watts stated that he had made provision for off-street parking spaces on another site to fulfill the requirements of the City Planning Code for the proposed use; and he indicated that he would be willing to make arrangements for additional off-street parking spaces, if necessary. He also emphasized that his proposal would leave a portion of the building in residential use.

Commissioner Bierman stated that it was her personal feeling that the beautiful residence on the subject site should continue to be used for residential purposes, particularly in view of the fact that the City does have a need for housing.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7443 and to disapprove application CU75.55.

CU76.1 - 115 MAIN STREET, NORTHEAST LINE, 135.5 FEET SOUTHEAST OF MISSION STREET.

REQUEST FOR AUTHORIZATION TO CONVERT THE EXISTING STRUCTURE TO A SELF-SERVICE PARKING GARAGE FOR APPROXIMATELY 30 COMPACT AUTOMOBILES; IN A C-3-0 DISTRICT AND IN A 400-I HEIGHT AND BULK DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a

rectangular parcel with a 45.83-foot frontage on Main Street and a depth of 137.5 feet for a total area of 6,301 square feet. The property is occupied by a vacant general storage warehouse in a two-story brick building. The Fire Department has prohibited any use of the second story loft. The applicant proposed to use the first floor of the existing building for a long-term (all day) parking garage for approximately 30 compact cars. Ingress and egress would be onto Main Street which is one-way to Market Street in a northwesterly direction. Access to the garage from the freeway ramp in front of the building would be by successive right hand turns onto Market, Spear and Howard Streets. The garage would be served by two attendants during rush hours. A guard would provide security during the day. The garage would not be open on weekends.

Jack Baxter of Fineway Parking Company introduced himself as the applicant. He stated that there is a need for additional off-street parking spaces in the vicinity of the subject property. He indicated that his firm operates a couple of parking lots in the area; and a number of individuals owning sports cars had encouraged them to acquire a garage. He stated that the proposed use would be only temporary in nature because the owner of the property would ultimately find a use for the site which would bring in greater revenue.

No one else was present to address the Commission on this matter.

Mr. Steele stated that the criteria for review of major parking garages in C-3 districts as set forth in Section 143 of the City Planning Code were not met by the subject application as to accessibility to freeway ramps and major thoroughfares, location within an area of concentrated development, conflict with pedestrian traffic and provisions of the Transportation Element of the Comprehensive Plan. The existing two-story brick building on the subject property would not be structurally suitable for use as a parking facility; and the transportation needs of the immediate neighborhood are presently well served by existing public transit. Therefore, he recommended that the application be disapproved.

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7444 be adopted and that the subject application be disapproved.

CU76.3 - 45 FREMONT STREET AND 50 BEALE STREET.

REQUEST FOR AUTHORIZATION TO CONSTRUCT A ONE-STORY, 10-FOOT WIDE BRIDGE AT THE 14TH STORY BETWEEN AN EXISTING BUILDING AND A NEW BUILDING UNDER CONSTRUCTION; IN A C-3-O DISTRICT AND IN A 400-I HEIGHT AND BULK DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has a total area of 145,700 square feet. The property is presently occupied by an existing 298-foot office building at 50 Beale Street; and a 45-story office build-

ing is under construction at 45 Fremont Street. The remainder of the block, with the exception of a small lot owned by Greyhound Bus Lines, may be developed as a joint venture by Bechtel Corporation and others as an investment office building at 345 Market Street and a retail building within the block with parking and loading provisions underground. The applicant proposed to construct a pedestrian bridge at the 14th story connecting the buildings at 50 Beale Street and 45 Fremont Street. The bridge would be 18 feet long and one story in height at an elevation of 173 feet 3 inches above the ground and would be 10 feet in width. The 14th floor is the crossover floor for the low-rise elevator system in the building.

Commissioner Bierman asked if consideration had been given to pedestrian access and amenities at the ground floor level of the subject block. Mr. Steele replied that the pedestrian circulation pattern had been discussed during the public hearing on the Environmental Impact Report for the entire development which was certified complete by the City Planning Commission on September 25, 1975; and he indicated that the proposed pedestrian bridge would lessen pedestrian congestion at the ground floor level.

Ben Larson of Skidmore, Owings and Merrill, architects for the applicant, stated that he was present to respond to any questions which might be raised by members of the Commission.

No one else was present in the audience to address the Commission on this matter.

Mr. Steele stated that the proposed bridge would provide a desirable weather-proof connection for employees of the two office buildings; and he remarked that an alternative weather-proof connection at ground level would interfere with the free flow of pedestrian traffic across the subject property and would thus be undesirable for the public. The proposed bridge would create a minor exception to the bulk limits set forth in the Planning Code in that excessive bulk would technically result only at the 14th floor of the subject building and would be ameliorated by the different colors, textures and heights of the two buildings which would not appear as a single mass. Therefore, he recommended that the application be approved subject to a condition specifying that the bridge should be constructed in general conformity with preliminary plans which had been filed with the Department of City Planning.

Commissioner Bierman asked if the Commission would have an opportunity to review pedestrian circulation in the block when plans are filed for a proposed building at 345 Market Street. Mr. Steele replied in the affirmative, indicating that that building permit application would be brought before the Commission for discretionary review under the Commission's policy of reviewing all permit applications for new buildings on Market Street.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7445 and that the application be approved subject to the condition which had been recommended by Mr. Steele.

MP75.3 - REVIEW OF REVISED INSTITUTIONAL MASTER PLAN FOR ST. FRANCIS
MEMORIAL HOSPITAL.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), introduced this matter as follows:

"The following is a summary of the institutional master plan of St. Francis Hospital, proposed for review by the City Planning Commission. This plan is a revision of an earlier proposal presented at an institutional master plan hearing on December 4, 1975. At that hearing, great concern was expressed by the City Planning Commission and members of the public over the proposed demolition of 52 apartment units. Consequently, the Hospital's representatives have now developed a master plan proposal which would preserve those units, and are prepared to present this revised proposal to the City Planning Commission for its review.

"An institutional master plan hearing, and comments made at that hearing by the Commission, the staff and the public, do not constitute endorsement of any development proposals contained in the plan, and do not grant permission for any work not already granted conditional use authorization by the City Planning Commission. St. Francis Hospital is presently operating as a conditional use under plans reviewed and approved by the City Planning Commission in 1964. The property is partly in an R-5 district and partly in an R-5-C district. Any major addition or modification to the existing hospital requires a new conditional use authorization for the specific building proposal, which involves a public hearing before the Commission."

Kim Clark, Attorney for St. Francis Memorial Hospital, stated that he believed that the hospital's revised master plan, when implemented, would be an asset for the hospital's patients, its employees, and the community in general. He emphasized that the plan called for the retention of the apartment buildings on Hyde Street; and he advised members of the Commission that vacant apartments in those buildings are being rehabilitated and will be rented shortly. He believed that the tenants of the apartment buildings were supportive of the revised master plan; and he submitted a petition which had been signed by approximately 155 employees of the hospital in support of the master plan.

Walter Costa, architect for the hospital, described the revised master plan. Phase I of the master plan would involve construction of a one-story and basement hospital addition at the northeast corner of Bush and Hyde Streets which would house the hospital's laboratory, radiology facilities, and an outpatient and ambulatory care center. The building will be constructed to support an additional four stories at a later date. In order to meet the City Planning Code requirement for off-street parking for the proposed addition, a new parking deck would be built over the existing parking lot on Pine Street west of Hyde Street.

Phase II of the master plan would involve removal of the temporary parking deck and construction of a seven-story medical office building on the Pine Street lot. Phase III of the master plan would call for removal of the existing office building at 909 Hyde Street and replacement of that building with a six-story parking structure with retail facilities on Hyde Street. Phase IV would involve the addition of four stories to the new one-story hospital building at the north-east corner of Bush and Hyde Streets. He then displayed a rendering of the hospital addition to be constructed during Phase I of the master plan and indicated that the hospital hopes to proceed with that project as soon as possible. The remaining phases of the master plan will be deferred until some future date. In conclusion, he emphasized that it was the intention of the hospital to retain the apartment buildings on Hyde Street.

Commissioner Bierman expressed concern about the fact that it appeared that the new hospital addition would cover the entire site leaving no room for open space or pedestrian amenities. Mr. Costa replied that the master plan which had been presented to the Commission in December, 1975, had called for construction of a hospital-owned public park on the roof of the parking structure to be constructed at the northwest corner of Bush and Hyde Streets. The park would have had pedestrian access approximately at grade on Hyde Street. However, in revising the master plan to provide for retention of the existing apartment buildings, all available building space had had to be allocated to meet the hospital's parking requirements under the City Planning Code.

President Lau suggested that the hospital should work with the Chinatown Planning Committee under the direction of Dr. Harry Chuck as detailed plans are prepared for the expansion project. He also remarked that certain groups in Chinatown have an interest in construction work opportunities; and he suggested that the hospital or its contractor should contact Al Woo of Chinese for Affirmative Action or the Chinese Newcomers Association at #2 Waverly Place.

Commissioner Bierman asked if the hospital would be involved in establishing controls for the hiring of construction workers. Mr. Costa replied that the hiring of construction workers would be the responsibility of the hospital's contractor; and he indicated that he was not familiar with the contractor's affirmative action program.

Commissioner Rosenblatt asked what use would ultimately be made of the property on the south side of Bush Street which is presently used as an open parking lot. Mr. Costa replied that the property might eventually be sold; and, if so, the staff of the Department of City Planning had recommended that it be sold for housing. However, for the time being, the parking lot is needed to meet the hospital's parking requirements under the City Planning Code.

Commissioner Rosenblatt then asked what type of studies the hospital had made of its space needs.

Mr. Costa stated that studies had been made and had indicated an especially critical need for expansion of the hospital's out-patient facilities. He also

remarked that the existing office building is substandard in that it does not meet current seismic requirements or other building code standards.

Orville Booth, Vice President of St. Francis Memorial Hospital, stated that the hospital had begun exploring its need for expanded facilities approximately two years ago. Subsequently, the hospital had been awarded a Hill-Burton Grant; and he indicated that such grants are based on an assessment of community need. The proposal for new hospital facilities had further been reviewed by the San Francisco Comprehensive Health Planning Board and had been approved by that board in August, 1975. He stated that the existing medical office building was constructed in three stages in 1911, 1915, and 1917. While the medical office building was designed for only 40 doctors, 82 are housed in the building at the present time. The building has no sprinkler system; and its elevators and plumbing are inadequate. Remodeling of the building would cost almost as much money as construction of a new one.

Commissioner Rosenblatt asked if the hospital would submit subsequent phases of the expansion program to the San Francisco Comprehensive Health Planning Board for review. Mr. Booth replied that any expansion of the hospital's facilities would be reviewed by that board or any board which may supercede it. When Commissioner Rosenblatt asked what would happen if the Comprehensive Health Planning Board should subsequently determine that the four additional floors proposed in the master plan for the hospital building are not needed, Mr. Booth replied that the hospital would be unable to construct the additional floors under such circumstances.

Commissioner Rosenblatt asked if Mr. Booth could give a rough estimate of the time table for Phases II, III and IV of the master plan. Mr. Booth replied in the negative, indicating that the timing was "anyone's guess".

Commissioner Bierman asked if St. Francis Hospital has a high bed vacancy rate. Mr. Booth replied that the hospital is 95% occupied at the present time but acknowledged that the occupancy rate does fluctuate. He emphasized that the master plan does not call for the provision of additional in-patient beds.

Commissioner Bierman then asked if the hospital is presently using all of the floors in its existing hospital building. Mr. Booth replied that the 11th floor and a portion of one other floor of the building are vacant. When Commissioner Bierman subsequently asked if any consideration had been given to using that vacant space for doctor's offices, Mr. Booth replied that the electrical circuitry in the hospital building had been designed for in-patient care. As a result, it would not be economical to remodel that space for office use. In any case, only a minimal number of doctors could be accommodated in the vacant hospital space.

Commissioner Bierman then noted that the medical office structure now being proposed on Pine Street would be higher than the office building which had been previously been proposed for the northwest corner of Bush and Hyde Streets; and she wondered if the height and location of that building would cause a problem for the apartment buildings on Hyde Street, the rear yards of which would abut the medical office building.

Al Robinson, another architect working on the project, stated that the medical office building would be separated from the property line of the apartment buildings by a wide driveway; and he remarked that the view from the rear of the apartment buildings is already blocked by a convalescent hospital which exists on property to the west of the site of the proposed medical office building.

Commissioner Rosenblatt stated that he understood why the hospital's emergency room must be located at ground floor level; but he questioned whether it would be necessary for the hospital's laboratory and radiology facilities to be located at the ground floor level. If not, he wondered if they could be located in the one and one-half floors of the existing hospital building which are presently vacant. Mr. Robinson explained that a large space is required on one floor for the combined radiology and X-ray facilities; and he indicated that that sort of space is not available in the existing hospital building.

Commissioner Bierman asked if the hospital had made any commitment in writing that the dwelling units in the apartment buildings on Hyde Street would be maintained and rehabilitated. Mr. Clark replied that the revised master plan calls for retention of the apartment buildings; and he indicated that the hospital had made a commitment to rehabilitate and rent vacant units in the buildings. He acknowledged, however, that the hospital might sell the buildings at a later date.

Ray Jacobs, representing Hospital and Institutional Workers Union Local 250, remarked that even the new facilities for Chinese Hospital were constructed without Chinese labor. However, he emphasized that hospitals, and St. Francis Hospital in particular, have a high number of Chinese employments. He stated that hospitals have a difficult time keeping current with required changes in provision of health care, the current shift being towards provision of expanded out-patient facilities; and he estimated that significant expansion of hospital facilities will be required if a State health insurance program is enacted. He felt that the revised master plan for St. Francis Hospital had satisfied community concerns while providing for the growth of an important medical facility; and he indicated that the project must be underway by June if Hill-Burton funds are to be used. Under the circumstances, he urged the Commission to approve the revised plan.

Dr. Rolland Lowe stated that he is a member of the Comprehensive Health Planning Council; and he confirmed that any further additions to the St. Francis Hospital building would have to be reviewed and approved by that council or by the Health Services Agency which is scheduled to replace it. He also informed the Commission that all construction projects involving the use of Federal Funds must have affirmative action programs. He stated that approximately 35,000 Chinese people are served by the Northeast Health Center; and, while Chinese Hospital does have new facilities, it is dependent upon the ancillary care facilities which are made available by St. Francis Hospital. He also remarked that St. Francis Hospital's emergency room is the only emergency treatment facility for all of the people living in the northeast section of the city. Under the circumstances, he supported the hospital's proposed expansion program.

Mr. Clark stated that the comments which had been made by the previous Commission concerning the hospital's master plan in December had been quite helpful; and he invited the current members of the Commission to express their feelings on the revised master plan so that any problems which might exist could be resolved before the hospital returns to the Commission with a conditional use application in April.

Richard Jesson, 935 Hyde Street, stated that he lives in one of the apartment buildings owned by St. Francis Hospital. He stated that the tenants of the building were pleased with the revisions which had been made in the master plan; and he indicated that the members of the Hyde-Pine Tenants Association had signed a statement which read as follows:

"The following tenants have been active in the Hyde-Pine Tenants Association. Our main concern has always been to prevent the destruction of good moderately priced apartment units. We applaud the Planning Commission's strong stand on the preservation of housing in the city. We approve St. Francis Hospital's amendment of its Master Plan to avoid the destruction of our apartment buildings. If the Planning Commission finds that the new plan will be beneficial to the health care of people in our neighborhood and the city, we are in support of that plan.

Mr. Jesson admitted that the funds for the hospital's expansion project will not be available if construction is not started by a certain date; and the renovation of the apartment buildings would depend in part on the hospital proceeding with its expansion project. Therefore, he urged the Commission to do whatever it could to make both programs feasible. He hoped that the Commission would exercise careful control over the open space between the existing apartment buildings and the proposed medical office building. Furthermore, the City Planning Code requirements for off-street parking for such facilities in the downtown area are, in his opinion, too high; and he hoped that those requirements could be reduced. In any event, he urged the Commission to make sure that the hospital does not provide off-street parking spaces in excess of those required by the City Planning Code.

A representative of the Radiation Therapy Department of St. Francis Hospital explained that conditions are very crowded in their unit at the present time; and the situation is at the same time awkward and upsetting to patients. She explained that radiation equipment must be housed between extra heavy walls; and, as a result, the Radiation Treatment Department must be located in ground floor space.

Marsha Lempert, 935 Hyde Street and a member of the Hyde-Pine Tenants Association, stated that she had been concerned about the original master plan proposed by St. Francis Hospital because of the impact which it would have had on the character of the neighborhood and because it would have resulted in the removal of the existing apartment buildings on Hyde Street. She felt that the revised master plan indicated that the hospital is beginning to realize its responsibility in both areas, especially its responsibility to preserve safe and comfortable

housing. Nevertheless, she continued to have two concerns regarding the hospital's master plan. The first was that the master plan itself is general in nature, making it difficult to determine what specific effect the buildings which would be constructed would actually have on the neighborhood. The second concern was that approval of the revised master plan would not preclude St. Francis Hospital from returning to the Commission in the future with another master plan which would call for the removal of the apartment buildings on Hyde Street.

Calvin Tong, representing Chinese Americans and Asian Americans in construction, advised the Commission that Chinese Americans and Asian Americans are not well represented in the construction industry. He stated that the contractors for Chinese Hospital had used the San Francisco Affirmative Action Plan which covers only five trades. Consequently, use of that plan had effectively barred Chinese Americans from participating in that construction project. If St. Francis Hospital should use the same contractor, he assumed that the contractor would use the same affirmative action plan; and Chinese Americans would again be excluded. He felt that affirmative action decisions should be made at a policy making level; and he suggested that those decisions should be made by St. Francis Hospital and not by a general contractor. He indicated that there are at least four local groups which are concerned about Chinese employments in the construction industry; and he advised the representatives of the hospital that he would be pleased to advise them how to contact those groups.

Michael Hebel, representing the San Francisco Police Department, stated that the City and County of San Francisco meets its obligation for treatment of industrial injuries through the Franciscan Treatment Room which is located at St. Francis Hospital. However, that treatment room is open only between the hours of 8 a.m. and 5 p.m. Police officers work on a 24 hour basis; and their most serious injuries occur between the hours of 7 p.m. and 3 a.m. Such injuries are treated at St. Francis Hospital emergency treatment room which is usually overcrowded. He felt that the treatment room, as well as the hospital's facilities for X-rays, should be expanded.

G. B. Ers, an employee of St. Francis Hospital working in the X-ray Department, confirmed that the conditions are presently overcrowded and that patients must endure long waits; and he strongly supported the hospital's master plan for expansion.

Another employee of the hospital urged approval of the revised master plan so that the hospital could expand its facilities.

Charles Gelotti, also an employee of the hospital, stated that San Francisco's medical facilities serve all citizens without regard to race, color, or creed; and he urged that the master plan and the conditional use application for expansion of St. Francis Hospital be approved.

Commissioner Bierman stated that she was extremely concerned about the lack of open space proposed in the block in which the existing hospital is to be expanded. She remarked that most other hospitals in the City have provided at least a semblance of open space; and she felt that St. Francis Hospital should be able to provide some public amenities for people who live in the area.

Mr. Steele replied that St. Francis Hospital is located in a dense urban area and has only a small amount of property to meet its needs. The previous master plan which had been presented had called for provision of a park on the roof of the parking structure; but in revising the master plan to preserve the existing apartment buildings, the proposal for the park had had to be deleted. He remarked, however, that there was still some potential for a small park on property on the south side of Bush Street which is presently used as an open parking lot.

Commissioner Bierman then remarked that she had not yet heard a definite commitment from the hospital that the apartment buildings on Hyde Street would be preserved. She was especially concerned about the possibility that the hospital might sell the apartment buildings in the future and that the new owner might demolish them.

Mr. Steele replied that the master plan which had been presented by the hospital will be adopted by the City Planning Commission before action is taken on the hospital's first conditional use application. The officially adopted master plan would thus call for retention of the apartment buildings; and any change in the master plan would have to come before the City Planning Commission for approval. Even if the hospital wished to sell the apartment buildings, they would have to be deleted from the master plan and the master plan would have to be formally amended. Furthermore, if the apartment buildings were to be sold, anyone else proposing a competitive medical office building or other medical facility for that site would have to come before the Commission for a conditional use authorization. Under the circumstances, he felt that the Commission had adequate safeguards to assure that the housing would be retained.

At 6:25 p.m. the Commission adjourned to Executive Session to consider the selection of a new Director of Planning. Reconvening in public session following the Executive Session, it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that Resolution No. 7446 be adopted to instruct the staff to request funds to be used for the recruitment of a new Director of Planning.

The meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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Minutes of the Special Meeting held Tuesday, February 10, 1976.

The City Planning Commission met pursuant to notice on Tuesday, February 10, 1976, in the meeting room at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Miller, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Calvin Malone, Planner IV; Dave Fulton, Planner II; and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle.

REVIEW OF CAPITAL IMPROVEMENT PROJECTS FOR SIX-YEAR PROGRAM FROM 1976-77 THROUGH 1981-82.

Edward I. Murphy, Acting Director of Planning, made the following introductory comments:

"This morning, the City Planning Commission is holding its annual review of departmental submissions proposed for inclusion in the Capital Improvement Program for 1976-77 through 1981-82.

"The function of the Commission in this review is to determine the conformity of the capital improvement projects to the Master Plan, to assign general priority ratings to the various projects, to adopt where necessary appropriate policy statements to clarify the Commission's concerns and to issue a report recommending a program of capital improvements based on the projects submitted by the various departments and agencies.

"To facilitate the Commission's review, those projects which are not in conformity with the Master Plan, in the opinion of the staff, have been given appropriate policy notations. Also, general priority ratings have been recommended by the staff for all projects.

"In accordance with previous programs, the 'A' or 'Essential' priority rating applies only to a project recommended for the budget or first year of the program. The reason for this assignment is to focus attention on those most significant projects recommended for budget year funding. It is of utmost importance to those projects proposed for funding

from ad valorem or property tax monies. For example, \$19.3 million in project costs were requested by various ad valorem tax supported departments in 1975-76. Of this amount, \$3.7 million was actually funded. While there are many meritorious projects proposed in the program, the City does not have the fiscal capabilities to fund all of them. I trust the various departmental representatives will appreciate this fiscal restraint as we review the various schedules.

"Those projects which fall in the later years of the program have been given a 'Desirable' or 'Acceptable' priority rating. These 'B' or 'C' ratings will be reevaluated as the project advances toward the budget year in subsequent programs.

"The program document, which is before you, is separated into three sections: the first section includes the ad valorem tax supported departments; the second section encompasses the gas tax supported program of the Department of Public Works; and the final section is for the revenue supported departments.

"The review of the program will be conducted by the staff on a departmental basis. To expedite its review, the staff will focus attention on new projects; however, if there are any questions regarding previously included projects, please bring them to the staff's attention during consideration of the appropriate departmental schedule.

"Before calling upon Mr. Malone, who is the staff person with principal responsibility for coordinating the development of the capital improvement program, I would like to thank the various departments and agencies who have participated with the staff in the preparation of this year's capital improvement program."

Calvin Malone, Planner IV, reviewed the new projects which had been submitted by the Adult Probation Department, the Assessor, the City Attorney, the Civil Service Commission, the Controller, the Office of the Emergency Services, the District Attorney, the Fire Department, the Mayor, the Municipal Courts, the Police Department, the Public Defender, the Department of Social Services, and the Sheriff, as they appeared on pages B-1 through B-9 of the staff report dated January 23, 1976.

Commissioner Starbuck noting that the Fire Department proposed to remodel and modernize kitchens and bathrooms in the Fire Chief's residence at 870 Bush Street, asked if the Fire Department would proceed with those improvements if the residence is to be sold. Mr. Malone replied in the negative. At this point in the proceedings, Commissioner Starbuck absented himself from the meeting room for the remainder of the meeting.

Commissioner Rosenblatt asked if the schedule of capital improvements being considered would be significantly altered if the City were to purchase

the State Compensation Insurance Building for city offices. Mr. Malone replied in the negative, indicating that the new office building would largely be occupied by Departments which are now located in rented buildings; and the schedule of capital improvements presently under consideration pertained only to improvements in buildings owned by the City.

A lady who was present in the audience asked why there is a need for continual expansion of city offices when the population of the city is declining. President Lau recognized the merit of discussing the question which had been raised by the member of public but ruled that it would not be appropriate to do so at the present time.

Commissioner Finn, noting that the Police Department proposed to provide additional parking spaces at the Taraval Station, asked if the spaces would be used for patrol cars or for private automobiles. Mr. Malone replied that the spaces would be used by patrol cars.

Commissioner Bierman, remarking that the Police Department proposed a bond issue for improvement of Police facilities, asked if the Police Department's proposals would in any way affect the current district station concept. George A. Williams, Assistant Director-Plans and Programs, replied in the negative.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that the projects which had been reviewed by Mr. Malone and discussed by the Commission thus far be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report.

Mr. Malone then reviewed new projects which had been submitted by the Superior Court, the Board of Supervisor's, the Treasurer, the Juvenile Court, the Academy of Sciences, the Chief Administrative Officer, the Coroner, the Department of Finance and Records, the Department of Electricity, the County Agricultural Department, the Real Estate Department, the Registrar of Voters and Recorder's Office, the Purchasing Department, the Department of Public Work's General Office, and the Department of Public Health as they appeared on pages B-9 through B-25 of the staff report dated January 23, 1976.

Commissioner Bierman, referring to the fact that funds in the amount of \$38,000 were to be used for a study of additional court rooms at the Hall of Justice and that \$6,839,500 was proposed for the actual construction work, stated that she felt that the funds for the actual construction work, which represented a considerable amount of money, should be held until the study has been completed and analyzed. After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that a note should be added to project 179.75.105 specifying that expenditure of money for construction of the new court rooms should be held in abeyance until the study has been completed.

Arthur Brandow, representing the Engineering Bureau of the Department of Public Works, provided the Commission with background information concerning project 423.76.101 involving the Wastewater Master Plan project which will provide for the allocation of \$375,000,000 in local, Federal and State Funds during subsequent fiscal years.

Commissioner Rosenblatt, noting that the Department of Public Works was proposing annual multi-purpose bond issues in the amount of \$6,000,000 which would be comprised of small projects from various ad valorem tax support departments, asked if such multi-purpose bonds would take care of projects indicated elsewhere in the Capital Improvement report. Mr. Malone replied in the affirmative but indicated that specific projects which would be affected could not be determined since the multi-purpose bond issues had not yet been formulated. Commissioner Rosenblatt requested that the staff attempt to clarify any duplications in the report in the future.

Commissioner Dearman noted that project 423.71.101 submitted by the General Office of the Department of Public Works for preparation of preliminary drawings and cost estimates for enlargement of the Hall of Justice seemed to be a duplication of project 179.75.105 which had been submitted by the Superior Court for construction of additional court rooms at the Hall of Justice. She asked if a duplication in fact existed. Mr. Malone and Mr. Williams confirmed that the basic content of both of the projects was the same, being that the way in which the Hall of Justice is used should be reevaluated; and they recommended that project 423.71.101, which had been included in the program on the recommendation of the Department of City Planning, be deleted. Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that that project be deleted.

Commissioner Dearman asked why it should cost as much as \$305,000 to modernize two elevators in the Department of Public Health at 101 Grove Street as called for in project 500.67.111. Cormac Brady, representing the Engineering Bureau of the Department of Public Works, replied that that project would essentially require going back to the structural holes in the building and installing completely new machinery. He emphasized that significant changes have been made in safety requirements for elevators; and he felt that the State would soon forbid the use of the present elevators in the Public Health Building if they are not replaced.

Commissioner Bierman asked if there had been any community reaction to the staff recommendation for a "hold" rating for project 500.73.111 for construction of a district mental health facility in the Bayview Hunters Point District. Joseph Migniola, representing the Department of the Public Health, replied in the negative, indicating that the main priority of that community has been the establishment of a District Health Center. When that facility is completed, the Department of Public Health will work closely with the community to determine an appropriate location for a district mental health facility. At this point, it was moved by Commissioner Dearman, seconded by

Commissioner Finn, and carried unanimously that the projects indicated on pages B-9 through B-25 of the staff report be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report and subject to the amendments which will appear in the Commission's final report.

Mr. Malone then reviewed the new projects which had been submitted by the Fine Arts Museum, the Asian Art Museum, the Library, the Recreation and Park Department as they appeared on pages B-25 through B-34 of the staff report. Dave Fulton, Planner II, reviewed the new projects which had been submitted by the Municipal Railway as they appeared on pages B-34 through B-37 of the report.

Commissioner Bierman remarked that almost all of the projects which had been submitted by the Public Library related to the Main Library and that almost no improvements were proposed in the branch library system; and she, personally, felt that more attention should be paid to the branch system. Mr. Williams stated that the Department of City Planning intends to undertake jointly with the library a study which will lead to the preparation of a library facilities section of the community facilities element of the Master Plan; and he indicated that attention would be given to the over-all library system during the course of that study. Mr. Malone stated that funds are available through the Community Development Program for certain renovation projects in the branch libraries.

Thomas Malloy, Executive Assistant to the Director of the Recreation and Park Department, urged that the "hold" rating be removed from project 656.68.104 for construction of a new growing house at the Conservatory in Golden Gate Park. The staff of the Department of City Planning had recommended that the project be held in abeyance pending completion of the Golden Gate Park Master Plan. He stated that the existing hot houses date from the 1880's and are in extremely poor condition. Money is available from the State for replacement of those buildings; and, once completed, the new buildings would not be visible to the public. Under the circumstances, he urged that the "hold" rating be removed.

Mr. Williams stated that the Recreation and Open Space Element of the Master Plan has a policy calling for preparation of a Master Plan for Golden Gate Park to avoid construction in the park on a piecemeal basis. While he was sympathetic with Mr. Malloy's request, he felt that it was likely that the Master Plan for Golden Gate Park will never be completed if each new project proposed is allowed to proceed.

After the discussion, the Commission determined that it would have no objection to the proposed project if State funds are in fact available and if the project would merely involve the replacement of existing building and not involve changes of configuration or size. It was then moved by Commissioner Finn, seconded by Commissioner Rosenblatt, and carried unanimously that the "hold" rating be changed to a "C" rating and that a policy note should be

included in the staff report expressing the Commission's strong feeling that a Master Plan must be prepared for Golden Gate Park before new construction projects are proposed in the park.

In reply to a question raised by Commissioner Bierman, Mr. Malone reviewed the history of the proposal to construct a Performing Arts Center of the old Commerce High School of playing field and indicated that development of the program for that project is now in the hands of the Board of Supervisors. Commissioner Bierman stated that she was personally opposed to the Performing Arts Center; but she recognized that actions which had been taken to date would make it difficult for the new Commission to change the course of that project.

Commissioner Finn noted that the staff of the Department of City Planning had recommended "hold" ratings for projects 736.75.204 and 737.74.108 calling for replacement of the Lost and Found Office in the Municipal Railway's Presidio building and remodelling portions of that building to new offices. While he recognized that the staff had recommended "hold" ratings on the basis that the projects might be made unnecessary by new facilities at the Muni Metro Center, he advised the Commission that the possibility of that facility being constructed within the next five years is remote. In the meantime, he felt that it would be essential to proceed with the changes proposed in the Municipal Railway's Presidio building. Therefore, he moved that the rating for those projects be changed from "hold" to "B". The motion was seconded by Commissioner Dearman. When the question was called, the Commission voted unanimously to make the changes which had been recommended by Commissioner Finn.

Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the projects indicated on pages B-25 through B-37 of the staff report be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report and subject to the amendments which will appear in the Commission's final report.

At 11:45 p.m. President Lau announced a 5-minute recess. The Commission reconvened at 11:50 p.m. and proceeded with hearing of the remainder of the agenda. Commissioner Rosenblatt was absent from the meeting room for the remainder of the meeting.

Mr. Fulton described the projects which had been submitted by the Traffic Engineering Bureau of the Department of Public Works as they appeared on pages C-1 through C-8 of the staff report.

President Lau asked if it is standard operating procedure for the Department of Public Works to hold hearings in the neighborhoods affected when changes in street width are being proposed. Richard Evans, representing the Traffic Engineering Bureau of the Department of Public Works, replied in the affirmative.

Commissioners Bierman and Dearman expressed concern with regard to projects 671.75.303 and 671.75.601 which involved proposals for the construction of an underpass for Masonic Avenue at Turk Street and the widening of the right-of-way Stanyan Street between McAllister Street and Turk Boulevard. Although the staff had assigned a "hold" rating to both projects, the projects were the subject of a great deal of community concern; and they felt that they should be removed from the Capital Improvement Program. After discussion, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried 4 to 1 that both projects be removed from the Capital Improvement Program. Commissioners Bierman, Dearman, Finn and Lau voted "Aye"; Commissioner Miller voted "No".

At this point in the proceedings, Commissioner Dearman absented herself from the meeting room for the remainder of the meeting.

Commissioner Bierman expressed concern about project 671.75.144 which involved a \$20,000 study of the feasibility of undergrounding cross over-drive in Golden Gate Park.

Mr. Evans stated that the undergrounding was being considered as a means of eliminating the present roadway which divides Golden Gate Park.

Mr. Williams stated that he felt that such a project would be desirable; however, the likelihood of the project actually being undertaken in the foreseeable future was remote.

Commissioner Bierman stated that she felt that the emphasis should be placed on public transit at the present point in time; and less money should be spent on projects which are designed to improve circumstances for the private automobile.

Commissioner Finn stated that the proposal for undergrounding cross over-drive had been discussed for many years. The project would result in the destruction of a large number of trees; and a considerable amount of public opposition had been expressed about the project.

Commissioner Bierman moved that the priority rating for the study be changed from a "C" rating to a "hold" rating and that a policy note be attached specifying that a public hearing should be held before the proposed study is undertaken. The motion was seconded by Commissioner Finn. When the question was called, the motion passed by a vote of 3 to 1. Commissioners Bierman, Finn, and Lau voted "Aye"; Commissioner Miller voted "No".

It was then moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that the projects submitted by the Traffic Engineering Bureau of the Department of Public Works be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report and subject to the amendments which will appear on the Commission's final report.

Mr. Malone summarized the projects which had been submitted by the Airport's Commission, the Water Department, Hetch Hetchy, and the Port Commission as they appeared on pages D-1 through D-10 of the staff report.

Mr. Williams, addressing himself to the projects which had been submitted by the Port Commission, remarked that the staff of the Department of City Planning had expected that existing piers on the Northern Waterfront would eventually deteriorate, resulting in the removal of certain undesirable uses such as open automobile parking from that area. However, the staff had learned that work has been done which will extend the life of certain of those piers indefinitely. Under the circumstances, he was concerned about the fact that several of the projects which had been submitted by the Port Commission called for the reconstruction or remodeling of piers.

John Yeomans, Chief Accountant for the Port, stated that most of those projects had been eliminated or postponed; and no money would be spent on pier reconstruction this year or next year. However, in view of the fact that the Mayor wants to avoid the necessity for subsidizing Port activities with tax revenues, he felt that it was very important that the piers should be maintained for their present tenants until more permanent projects are constructed on the waterfront.

Mr. Williams felt that the Port should try to find better revenue producing uses for the piers than open parking lots. He recommended that a policy note be added to the projects which had been submitted by the Port specifying that the replacement of pier timber should be discussed during the process of planning for the Northern Waterfront. It was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that such a policy note be inserted in the report.

It was then moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that the projects which had been submitted by the Airport's Commission, the Water Department, Hetch Hetchy, and the Port Commission be approved in conformity with the Master Plan subject to the recommendations and notes contained in the staff report and subject to the amendments which will appear in the Commission's final report.

The meeting was adjourned at 12:30 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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≡ Minutes of the Special Meeting held Tuesday, February 17, 1976.

The City Planning Commission met pursuant to notice on Tuesday, February 17, 1976, at 7:30 P.M. at the Mission Neighborhood Center at 362 Capp Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Lucian Blazej, Planner IV; Linda Ferbert, Planner II; Douglas Holmen, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner.

CONSIDERATION OF POLICIES FOR NEIGHBORHOOD IMPROVEMENT FOR THE MISSION DISTRICT.

President Lau made the following introductory remarks:

"Tonight, staff of the Department of City Planning will present to the Planning Commission policies for neighborhood improvement which have been developed for the Mission District. The Commission will then hear the community's response to these policies. Tonight's meeting is a continuation of a Commission meeting held in July of last year under the previous City Planning Commission. At that meeting, the Department staff had prepared a draft response to a plan written by the Mission Housing Development Corporation.

"When the staff response was presented to the Commission, community organizations requested that certain sections of the report be revised and that others be expanded. The Planning Commission then directed staff to work with these organizations and revise the report where needed.

"Over the past six months, staff has worked with resident and merchant organizations and made significant changes in the report. Tonight this revised report will be presented. The public is then invited to make comments on it.

"I would like to call on George Williams, Assistant Director of Plans and Programs to briefly discuss the history of this report and to explain how this report is intended to be used."

Mr. Williams reported to the Commission as follows:

"A Plan for the Inner Mission represents over two and one-half years of work and involves the participation of many community organizations and individuals. The plan proposes ways of strengthening the positive attributes of the Mission. In addition, numerous problems and concerns of the district are specifically identified and solutions are proposed. The plan is an important community resource document. It provides a sense of the magnitude of problems facing the Mission and offers the beginning of a coordinated approach to solving these problems. It is truly a plan produced by and for the Mission Community.

"The MHDC developed A Plan for the Inner Mission primarily for community use. However, the plan also was published to ensure that the various City agencies and departments were made more aware of the district's problems and needs. To this end, the MHDC and Mission community representatives presented their plan to the City Planning Commission. They requested that the Commission adopt the plan. Such adoption would transform Mission community policy into the City's policy for the district as well.

"After reviewing the MHDC's plan, the Planning Commission found there were major sections of the MHDC plan which directly related to the Department of City Planning's responsibilities and warranted Commission endorsement. There were also areas, however, which were not within the scope of City Planning activities, such as health care delivery services, manpower programs and educational programs. The Commission felt it would be inappropriate for it to act on policies which it could not affect or carry out. In addition, the MHDC's plan did not sufficiently cover certain planning related areas. For example, the merchants requested stronger policies dealing with economic development issues in the Mission.

"Based upon the MHDC's initial effort, and the subsequent involvement and participation of numerous resident and merchant organizations, the Department of City Planning has developed a series of policies and programs for the Mission. The policies are intended to be short-term (three to five years) and note issues and problems which the Department of City Planning can address. This document is not intended to be a totally comprehensive, long-range plan for the Mission.

"The policies are based upon information available to date. The City is, and will be, understaking additional studies and new programs in the Mission. For example, the Department of Public Works is doing a detailed traffic analysis of the district; the Department of City Planning is to undertake a market study of the Mission Street commercial area; and two housing rehabilitation feasibility studies are proposed. In addition to various studies, programs are presently underway to address certain problems in the district -- one to reduce through traffic on residential streets, and one to expand recreational facilities in the district. This document and its proposed policies

and programs will be continually reviewed and updated to make necessary changes and to incorporate new information as it becomes available."

Linda Ferbert, Planner II, summarized the objectives and policies contained in the report. The report is available in the files of the Department of City Planning.

Bill Mehegan asked if the staff was recommending that the character of land use north of 20th Street be changed from the present pattern of mid-block residential uses and corner buildings with stores. Ms. Ferbert replied in the negative, indicating that the staff was recommending that the pattern of mixed uses be continued in the area.

Mr. O'Callegan noted that page 36 of the staff report contained a proposal that land on San Jose Avenue between 25th and 26th Streets be acquired for development as a mini-park. He stated that such a proposal had been made previously and that the owner of the property had written to the Board of Supervisors to oppose that concept. He felt that the owner of the property should be advised of any further developments which might result in public acquisition of the property.

Matthew Warner asked if he had correctly understood Ms. Ferbert to state that the Mission District is over-populated. If so, the policies in the report encouraging the construction of new apartment buildings might be unsound. Ms. Ferbert replied that she had stated that the Mission District is "densely populated." There are only a limited number of sites where new housing could be constructed in the neighborhood; and, given the great demand for new housing, she felt that well designed apartment buildings with adequate off-street parking space would not have a detrimental effect on the neighborhood.

Virginia Mehegan asked if the report contained any policies which would do something about trash and debris in the neighborhood. Ms. Ferbert replied that Policy 6 under the heading of "Neighborhood Services, Facilities and Environment" called for the improvement of the overall level of community maintenance; and she indicated that the explanatory text for that policy had been made stronger than it was in the staff's original report.

Mrs. Mehegan then asked what could be done if a developer should propose to construct an apartment building on property designated for park or recreational use in the staff report. Ms. Ferbert replied that the policies contained in the staff report would provide the City Planning Commission with a basis for making decisions when specific development proposals are submitted.

Connie Warner asked if the staff report placed priority on construction of one- or two-family dwellings rather than apartment buildings. Ms. Ferbert replied that the report stressed the need for provision of large units for families with children and emphasized the preservation of existing buildings in which such units are available.

Cora Golden remarked that the staff report contained objectives and policies in the areas of 1) housing, 2) neighborhood services, facilities and environment, 3) transportation, and 4) economic development; and the policies under each of those four categories included certain recommendations for use of available land. She asked if conflicts might develop relative to the most desirable use for a specific parcel of property. Ms. Ferbert replied that the report contained maps which made specific recommendations for specific properties.

Ms. Golden then questioned the relationship between the staff report and zoning. Mr. Williams replied that the staff report, after having been adopted by the Commission, would provide the Commission with policy guidance in making zoning decisions.

Commissioner Rosenblatt, remarking that the report contained policies for the promotion of new or expanded commercial development in the area, asked if consideration had also been given to policies which would motivate retention of industrial uses in the neighborhood. Ms. Ferbert replied that the Mission Housing and Development Corporation's original plan had contained specific policies relating to industrial districts; however, a policy concerning districts is also included industrial in the staff's report. She noted that the staff is presently engaged in a commerce and Industry Study which will culminate in a set of policies and objectives for the industrial areas of the City.

Commissioner Starbuck inquired about the status of transit preferential treatment for Mission Street. Ms. Ferbert replied that the Mission merchants had opposed making Mission Street a transit preferential street; and the staff of the Department of City Planning had felt that they could not proceed with such a recommendation until they have the cooperation of the merchants.

Ms. Golden asked if the staff report contained policies relating to crime prevention. Ms. Ferbert replied in the negative, indicating that such matters are not within the province of the Department of City Planning but are rather the responsibility of the Police Department.

Virginia Mehegan stated that she was troubled by the fact that vacant lots in the Mission District are covered with debris or are used for the stripping of automobiles; and she indicated that her complaints had brought no effective enforcement action from the Department of Public Health or the Police Department.

Ramon Barbieri, President of the Mission Planning Council, introduced representatives of various organizations who were present in the meeting room and summarized the process which had led to the preparation of the plan which was now before the Commission for consideration. He spoke in both Spanish and English. He then read and submitted the following resolution which had been adopted by the Mission Planning Council:

"Mission Planning Council affirms that the following events took place:

1. A Plan for the Inner Mission was published by the Mission Housing Development Corporation in October, 1974. This Plan, based on the

objectives and ideas of Hundreds of Mission District community groups and individuals, recommended objectives, policies and actions for the improvement of the Mission District Urban environment, particularly the housing situation.

2. At the request of the Mission Community, the San Francisco City Planning Department studied MHDC's Plan. Based on that study and other research, the Department recommended similar policies, and in some cases, additional objectives and policies for dealing with urban environment problems in the Mission District.
3. The Department's study, however, did not cover certain areas of community services, such as education or health planning, which were included in the MHDC Plan, because, at this time, those areas are beyond the physical development concerns of the City Planning Department and Commission.
4. In May, 1975, the City Planning Department issued a modified report on its recommended objectives and policies for the Mission District. In July, participants at a well-advertised and well-attended Mission Community Forum commented in detail on the report, and many of these comments were incorporated into the City Planning Report. Additional ideas were contributed by Mission District groups and individuals in the months before and after the forum. The Mission Planning Council worked with many of these groups and individuals, including the Mission Merchant's Association, to further review and modify the Planning Department's report. The amended report, entitled The Mission Policies for Neighborhood Improvement, was issued in January, 1976.

"Whereas the above-mentioned events took place, therefore:

1. The Mission Planning Council believes that the amended report now provides a policies base for the City Planning Commission to use in encouraging environmental and economic benefits for present residents, workers and business people in the Mission District.
2. The General Membership and Executive Committee of the Mission Planning Council, meeting in San Francisco, California, on Monday, February 16, 1976, voted and resolved to support The Mission Policies for Neighborhood Improvement as the policies base for the San Francisco City Planning Commission and also all other representatives, departments and agencies of the City and County of San Francisco involved with future planning of the Mission District. We urge the City Planning Commission to adopt this report. Furthermore, we urge a concerted effort toward implementation with a specific time-table."

FEBRUARY 17, 1976

George B. Rodriguez, President of the Mission Merchants Association, read and submitted the following resolution which had been adopted by the Board of Directors of his organization:

"Whereas the Mission Housing Development Corporation prepared A Plan for the Inner Mission, March 1974, and

"Whereas the San Francisco City Planning Commission reviewed said Plan, and found that the scope of the Plan exceeded the purvue of the Commission, and

"Whereas the Commission directed the City Planning Department to work with the individuals and groups concerned in preparing a document appropriate to the Commission's authority and responsibility, and

"Whereas the Department prepared the draft Mission Neighborhood Plan, May 1975, for the review and comment of such interested parties, and

"Whereas, on July 17, 1975 the Commission held a public hearing for such comments, and

"Whereas the Commission found that additional consideration was necessary before acceptance of said document, and referred it to the Department for further consideration by the staff and concerned individual and groups, and

"Whereas such consideration has been given through the preparation of and review and comments upon subsequent drafts, The Mission Policies for Neighborhood Improvement, November 1975, and January 1976, and

"Whereas the Mission Merchants Association has participated in such consideration with members of the City Planning Department staff and members of the Mission Planning Council, among others, and

"Whereas the representatives of the Mission Merchants Association have found that the mutual needs and aspirations of the residents, property owners, merchants and industrialists are better represented, in the short term, in the draft submitted to the City on February 5, 1976, jointly with the Mission Planning Council,

"NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Mission Merchants Association does endorse the final draft of The Mission: Policies for Neighborhood Improvement, February 5, 1976, and urges the San Francisco City Planning Commission's acceptance thereof, and

"BE IT FURTHER RESOLVED that the City pursue the studies, programs and refinement of this body of Policy in full cooperation with the Mission Merchants Association and the Mission Planning Council and other groups of the Mission, and

"BE IT FURTHER RESOLVED that the Mission Merchants Association pledges itself to continue to work cooperatively with the City and the Mission groups towards the future enhancement and development of the Mission.

"Passed and adopted this eleventh day of February of 1976 by the following vote:

"AYES: 12

"NOES: 0"

Jack Bourne, Director of the Mission Housing and Development Corporation, expressed appreciation to the Commission for scheduling an evening meeting in the Mission neighborhood and remarked that the only thing the plan for the Mission neighborhood lacked at the present time was the endorsement of the Commission. He urged that they accept the plan.

Dennis Kent, 3206 Harrison Street, described the Mission District as a very vital and livable neighborhood whose primary need at the present time is for delivery of city services on a fair and equitable basis on a par with the services rendered to other neighborhoods in the City. With regard to the report which had been prepared by the staff, he remarked that Policy 4 on page 12 of the report which called for encouraging the development of new housing which meets community housing needs, and Policy 6 on page 14 of the report which called for assurance that new housing will be well designed and compatible with the character of the area in which it is located were very important. He hoped that the Commission would apply these two policies to insure that construction of new housing in the Mission District would complement the existing scale and density of development in the area. While Policy 2 on page 30 of the report called for the promotion of new or expanded commercial development which complements or improves the character and meets the needs of the community, an explanatory sentence following that policy read as follows: "Finally, business expansion or development should avoid requiring demolition of existing rehabilitable residential buildings." He felt that sentence should be reworded to read accordingly: "Finally, business expansion or development should avoid requiring demolition of existing rehabilitable commercial or residential buildings." He remarked that the Lachman Furniture Company building at 16th and Mission Streets is being demolished; and he feared that the policies contained in the staff report would not prevent construction of a high-rise, high-density, building on that site. He believed that construction of such a building would destroy the character of the street. Commenting generally on the report, he noted that the staff had used Army Street as a southern boundary for its study of the Mission District; and he advised the Commission that areas south of Army Street such as Peralta Heights, Precita Valley, and Bernal Heights have historically and traditionally been a part of the Mission District. The boundary lines chosen by the staff of the Department of City Planning were somewhat arbitrary, being based on census tract boundaries and other factors; and he hoped that the area south of Army Street could be incorporated into the Mission plan in the future. The map following page 26 of the staff report designated a portion of

Folsom Street as one which should be protected from through traffic; and he felt that some problems may arise in implementation of that recommendation since the Municipal Railway is considering moving the No. 41 bus line to Folsom Street. Finally, he noted that page 36 of the staff report recommended the acquisition of six sites for development as parks; and he suggested that a seventh proposal should be included in that listing calling for the acquisition of portions of the railroad right-of-way which crosses Mission Street just south of 24th Street. While some of the former right-of-way is presently developed, other parts of the right-of-way are still intact; and he felt that the right-of-way would be ideal for pedestrian use. In conclusion, he stated that he felt that everyone should endorse the policies contained in the plan which had been prepared by the staff; and he wholeheartedly urged the Commission to adopt the report.

Commissioner Mellon, noting that Mr. Kent seemed to be concerned about the construction of "high-rise" buildings at 16th and Mission and 24th Street and Mission, asked him how he would define the term "high-rise". Mr. Kent replied that existing development at the two intersections ranges from four to six or seven stories; and he felt that no new buildings which might be constructed in the future should have a greater height. He remarked that the tallest buildings in the Mission District are the Bayview Federal Savings and Loan building, the telephone building on 25th and Capp Streets, and St. Luke's Hospital; and he felt that all three buildings are out of scale with the predominant character of development in the Mission District. If the length of Mission Street were developed with buildings equal in scale to the Bayview Federal Savings and Loan building, he believed that there would be fewer sidewalk entrances and less commercial space; and new buildings would probably be oriented towards finance. When Commissioner Mellon asked if he felt that financial institutions are not a desirable use in the neighborhood, Mr. Kent replied that the area already has an abundance of branch banks which adequately serve the residents of the neighborhood; and he felt that any additional financial institutions would attract commuters. He also remarked that high-rise, high-density office buildings would bring additional traffic and parking congestion to the neighborhood and would block sunlight and create uncomfortable wind conditions.

Commissioner Mellon asked Mr. Kent if he felt that construction of buildings of four or more stories would provide jobs for residents of the area. Mr. Kent replied that such buildings might possibly provide jobs for residents of the area; however, based on the experience of Market Street, he believed that such buildings would actually be more likely to provide jobs for commuters.

Ms. Golden remarked that Mr. Williams had stated that it was hoped that most of the policies in the plan could be implemented within three to five years. However, the staff report indicated that only 1.9% of the land in the Mission District is presently vacant; and, if that land were to be used within the next three to five years, she was concerned that there might be no vacant land available in the future to provide recreation and open space for children if changes in the population should occur.

Commissioner Starbuck asked Mr. Rodriguez if the Mission Merchants Association was strongly oppose to transit preferential treatment of Mission Street.

Mr. Rodriguez called on Robert Cook, Planning Consultant to the Mission Merchants Association, who stated that it was his understanding that the Department of Public Works has been undertaking traffic and transit studies on Mission Street which have not yet been completed; and he felt that the results of those studies should be available before further consideration is given to transit preferential treatment for the street.

Mr. Williams stated that a specific proposal for transit preferential treatment of Mission Street had been made a year or so ago but had been objected to by merchants on Mission Street and had been rejected by the Board of Supervisors. In the interim, the staff of the Department of City Planning has been working with groups in the Mission District and with the Department of Public Works to consider alternate proposals for treatment of the street.

Commissioner Starbuck then asked Mr. Rodriguez if he could express his general feelings regarding transit preferential treatment. Mr. Rodriguez stated that merchants on Mission Street had suffered a great deal during construction of the BART system; and they felt that consideration of any other proposals which might possibly have a drastic effect on the area should be deferred until the merchants regain their strength.

Commissioner Bierman stated that she was supportive of the policies included under the general heading of "Housing"; however, she was concerned about the families which would inevitably be uprooted as the quality of the neighborhood improves. She stated that a similar plan had been prepared for the Haight-Ashbury District; and even the mere process of planning had tended to improve the neighborhood. As neighborhood becomes noticeable, people residing elsewhere are attracted to it; and they displace people who had previously lived in the area. She hoped that the groups represented in the audience would work with the Commission to assure that people who are presently living in the Mission District will be able to continue to live there in the future.

Mr. Williams, in response to comments which had been made by Mr. Kent, stated that the staff was aware that 105-foot height limits are presently in effect along Mission Street in the vicinity of 16th Street and 24th Street; and he acknowledged that construction to that height could conflict with the existing scale of development in the area. While specific height limits cannot be recommended in a policy plan, he felt that Policy 2 on page 30 which called for the promotion of new or expanded commercial development which complements or improves the character and meets the needs of the community was adequately phrased to meet the concerns which Mr. Kent had expressed. He acknowledged that boundary lines are often arbitrary in nature; however, for planning and liaison purposes, the staff of the Department of City Planning has always treated the areas south of Army Street as part of the Bernal Heights neighborhood. He stated that the staff was aware of the proposal to relocate the No. 41 bus line to Folsom Street; and the protected residential area plan which is being prepared for Folsom Street by the staff of the Department of City Planning would accommodate the transit vehicles. With regard to the comment made by Ms. Golden concerning vacant land

resources in the future, he agreed that it is necessary to look beyond a three to five year time span; and he indicated that the Mission Plan had been prepared within the context of the City-wide Master Plan which takes a more comprehensive and long-term view.

A resident of the area south of Army Street who was present in the audience asked the Commission to bear in mind that people who live in that area are constantly in touch with the Mission District and consider themselves to be a part of that district.

Edward I. Murphy, Acting Director of Planning, recommended the adoption of a draft resolution which contained the following resolves:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby endorse the policies and recommendations of the Report entitled 'The Mission: Policies for Neighborhood Improvement' dated January 1976; and

"BE IT FURTHER RESOLVED, That the City Planning Commission shall be guided by the Report when making decisions which affect the Mission district and authorizes and requests the Director of Planning to take appropriate steps in cooperation with the Mission community to carry out the recommendations of the Report."

After discussion, it was moved by Commissioner Mellon, seconded by Commissioner Starbuck, and carried unanimously that the draft resolution be adopted as Resolution No. 7447.

The meeting was adjourned at 9:25 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

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CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, February 19, 1976.

The City Planning Commission met pursuant to notice on Thursday, February 19, 1976, at 2:15 P.M. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); George Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Lucian Blazej, Planner IV; Charles Gill, City Planning Coordinator; Audrey Owen, Administrative Assistant to the Director of Planning; Linda Ferbert, Planner II, Eva Levine, Research Assistant; and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

CURRENT MATTERS

Edward I. Murphy, Acting Director of Planning, reminded the members of the Implementation Committee (Commissioners Starbuck, Bierman and Dearman) of a meeting scheduled for next Thursday, February 26, at 12:00 noon. Mr. Murphy also indicated that a field trip is scheduled for the Commission on that day at 1:00 P.M.

Mr. Murphy distributed copies of a status report on the Candlestick Shoreline Park and indicated that he would be prepared to respond to any questions which members of the Commission might have concerning the report at next week's meeting.

Commissioner Starbuck asked what work had been done to date on the draft of an ordinance which would prevent the removal of significant trees from private properties. Mr. Murphy replied that several meetings had been held on that matter; and he indicated that he would keep the Commission informed. Commissioner Starbuck then suggested that the staff should obtain ordinances governing the removal from trees from private property from other communities in California.

Commissioner Starbuck informed the Commission that the San Mateo County Board of Supervisors is scheduled to vote on a proposal for development of San Bruno Mountain on March 1. Because of the proximity of the project to San Francisco, the project will have a significant impact on all parts of San Francisco. The environmental impact report for the project indicates a potential loss of between 9 and 12,000 middle and upper income San Francisco residents; and the report also predicted a substantial loss of commercial revenues from San Francisco, particularly in the Mission district. The project would generate 10,000 automobile trips a day; and, as a result, the project would have a severe traffic impact on San Francisco. The developers had contracted with San Francisco to have sewage from the project treated in San Francisco at the Southeast Sewage Treatment Plant; consequently, the project would have a significant impact on San Francisco's wastewater management problems. The project would result in a substantial loss of recreation and open space; and Northern San Mateo County already provides significantly less recreation and open space proportional to its population than other jurisdictions in California. In view of these factors, the San Francisco Board of Supervisors had adopted resolutions requesting that a maximum amount of San Bruno Mountain be preserved for park and recreational purposes and that approval of the proposed development should be deferred by the San Mateo County Board of Supervisors until studies recommended by the Association of Bay Area Governments have been undertaken. Since the project would obviously have a significant impact on San Francisco, he felt that the City Planning Commission should be on record in support of the requests which had been made by the San Francisco Board of Supervisors; and he distributed copies of a draft resolution which he had prepared for consideration by the Commission with the following resolves:

"NOW THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby join the Board of Supervisors in its request that a maximum amount of San Bruno Mountain be preserved for park and recreational purposes and that a diligent search should be made for State and Federal monies to purchase as much land as possible on San Bruno Mountain for recreational and open space use; and

"BE IT FURTHER RESOLVED, That the City Planning Commission urges that approval of the proposed development of San Bruno Mountain be deferred by the San Mateo County Board of Supervisors until the studies recommended by the Association of Bay Area Governments have been undertaken."

After the draft resolution had been read by the Secretary, it was moved by Commissioner Starbuck and seconded by Commissioner Bierman that it be adopted.

Stanley Smith, Secretary-Treasurer of the San Francisco Building Trades Council, stated that the issue being discussed by the Commission was of vital concern to thousands of unemployed people; and he felt that the item should have appeared on the Commission's calendar if action were being contemplated. Given the windy conditions on San Bruno Mountain, he did not regard it as the type of recreational open space which should be preserved.

Commissioner Starbuck apologized for the fact that the item had not been included on the Commission's agenda; and he indicated that he had brought the matter up only because he felt that the San Mateo County Board of Supervisors should have the benefit of the Commission's thoughts on the matter. He emphasized that the draft resolution which he had prepared did not incorporate any recommendations which had not already been made by the San Francisco Board of Supervisors, the City's legislative body.

Commissioner Bierman remarked that the proposed development will have a significant effect on San Francisco; and she felt that it was vital that as much as information as possible concerning those effects be available. She emphasized that the draft resolution did not take the position that the project should not be built.

Robert Katz, a resident of Telegraph Hill, suggested that it might be desirable for the Commission to calendar the matter and to hold a public hearing on the substance of the issue.

Commissioner Finn stated that the staff of the Department of City Planning and the staff of other City agencies have reviewed the proposed development of San Bruno Mountain; and he noted that the project will have a substantial impact on the Municipal Railway and BART, which was constructed without any financial assistance whatsoever from San Mateo County. He felt that the additional studies which had been recommended by the Association of Bay Area Governments should be undertaken; and he indicated that he supported the adoption of the draft resolution.

After further discussion the question was called and the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7448.

CONSIDERATION OF METHODS FOR INVOLVING CITIZENS IN WATERFRONT PLANNING.

George A. Williams, Assistant Director-Plans and Programs, stated that the staff of the Department of City Planning is involved in various studies concerning the Northern Waterfront; and he felt that it would be desirable to incorporate broader public opinion in the study process. Therefore, he recommended the adoption of a draft resolution which read as follows:

"WHEREAS, the Department of City Planning is currently undertaking a program of comprehensive planning for the San Francisco Northern Waterfront in conjunction with the staff of the Port of San Francisco; and

"WHEREAS, The two principal aspects of this work are preparation of appropriate amendments to the Northern Waterfront Plan which is a part of the Master Plan of the City and County, and development of a Total Design Plan for the Ferry Building area for submission to the Bay Conservation and Development Commission; and

"WHEREAS, The City Planning Commission has endorsed in concept the Special Area Plan No. 1: San Francisco Waterfront which has been adopted by BCDC as a Bay Plan Amendment; and

"WHEREAS, Said Special Area Plan No. 1 was based on the recommendations of a broadly based Waterfront Advisory Committee;

"THEREFORE BE IT RESOLVED, That the City Planning Commission is of the opinion that development of successful plans for the Northern Waterfront would be positively aided by the participation of a Northern Waterfront Planning Advisory Committee of wide representation such as that of the BCDC Waterfront Advisory Committee; and hereby declare its intention to appoint such a Committee at its earliest convenience."

Jean Kortum, formerly Chairman of a now defunct organization called Protect Our Waterfront, reviewed the various planning efforts relating to the Northern Waterfront which had taken place since 1958. She stated that many of the plans which had been prepared are now

out of date because of events which have transpired during the interim; and she urged the Commission and staff to proceed with an in-depth study to update those plans. She stated that she had no objection to the formulation of a citizens committee.

Clint Riley, Chairman of the Northern Waterfront Neighborhood Association, stated that the members of his organization are planners, architects, artists, artisans and business people who are largely responsible for the transformation of the Northern Waterfront over the past five years. They occupy buildings which are owned by the Travelers Insurance Company; and, as tenants, they are presently having a conflict with their landlord. He felt that representatives of his organization should be given a role in future planning efforts for the Northern Waterfront area. He also encouraged the Commission to find out more about the Travelers Insurance Company's intention to evict the tenants of the buildings and to tear down old warehouses over a 15 square block area of the Northern Waterfront.

Commissioner Rosenblatt, noting that Mr. Riley was prepared to make a lengthy statement, suggested that he submit the statement to the Secretary of the Commission in writing for distribution to the members of the Commission.

Commissioner Starbuck asked Mr. Riley if he wished to be a member of the Advisory Committee. Mr. Riley replied that he would have to consult his membership regarding their recommendation for representation; however, he felt that the organization should be represented on the Committee.

Ilson New, Attorney for The Committee for The Improvement and Preservation of Sport Fishing in San Francisco, Inc., stated that his organization had not been formally involved in the Bay Conservation and Development Commission Advisory Committee's work on the Waterfront; but they had participated in hearings held by that committee. He felt that a member of his organization should be represented on the new committee.

Robert Katz, Chairman of the Waterfront Committee of the Telegraph Hill Dwellers, read the following statement:

"For the last 10 years, the Telegraph Hill Dwellers have actively participated in the formulation of the Bolles Plan, the Northern Waterfront Plan, and the BCDC Special Area Plan for the waterfront.

"State Law (BCDC) has set parameters for the waterfront. It defines what can and cannot be done, but not what will be done within these guidelines. What will be done is a local issue where participation of neighborhood organizations and other civic groups with interests in the waterfront is of particular importance in arriving at creative solutions.

"The BCDC Special Area Plan itself recommends the creation of a Citizens Advisory Committee for this purpose (p.41, Recommendation 4).

"The City Planning Department and Commission are now involved in revising the Northern Waterfront Plan of 1969 to bring it up to date.

"Our new administration is committed to full citizens participation in the future of our City.

"We therefore strongly support the establishment of a Citizens Advisory Committee and suggest that representatives be appointed in consultation between the Planning Commission and the concerned citizens organizations.

"Our own organization will be ready to participate in this constructive effort."

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Mellon, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7449.

CONSIDERATION OF REQUEST BY BOARD OF SUPERVISORS THAT BOARDS AND COMMISSIONS HOLD THEIR MEETINGS DURING HOURS CONVENIENT TO THE PUBLIC THEY SERVE, GIVING SPECIAL CONSIDERATION TO SETTING PUBLIC HEARINGS DURING EVENING HOURS ON ISSUES OF SALIENT PUBLIC INTEREST.

In response to a request made by Mr. Murphy, the Secretary read the resolution which had been adopted by the Board of Supervisors requesting Boards and Commissions to hold their meetings during hours convenient to the public they serve, giving special consideration to setting public hearings during evening hours on issues of salient public interest.

No one was present in the audience to address the Commission on this matter.

After discussion, the consensus arrived at by the Commission was that it would continue to schedule its Regular Meetings during afternoon hours. However, whenever matters of significant concern to specific neighborhoods are to be considered, evening or Saturday meetings will be held in the neighborhoods.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 455531 FOR PROPOSED CONVERSION OF A DWELLING AT 316-318 LAUREL STREET TO OFFICES; IN A C-2 DISTRICT.

Robert Passmore, Planner V (Zoning), stated that the Commission had received a letter from Margaret Gault, 302 Laurel Street, requesting the Commission to undertake a discretionary review of the building permit application for conversion of the subject building. The applicant's proposal was to convert one of the units in the building for use by five psychiatrists at the present time. The second dwelling unit would be converted at a later date; and the building would ultimately house up to nine psychiatrists. Mrs. Gault was opposed to the proposed conversion because the medical office use would be incompatible with existing single-family houses in the area and because the proposed offices would heighten an already difficult parking situation. The present owner of the property had checked with the staff of the Department of City Planning to confirm that the building was zoned C-2 and could be converted for commercial use before he had purchased the property. Mrs. Gault had spoken with another member of the staff regarding the possibility of rezoning the property in July of 1975 and had been advised that the filing of an application for reclassification would be inappropriate because the Residential Zoning Study was already underway, and the suggestion had been made that the Commission could be requested to undertake a discretionary review if any commercial use were proposed for the property. Mr. Passmore stated that the property had been included in a C-2 district in 1960 because it was part of a larger parcel which fronted on Sacramento Street at that time. The commercial use which had fronted on Sacramento Street have since been torn down; and that portion of the site is presently vacant. If the Commission wished to grant the request for discretionary review, its options would be to approve the building permit application, to disapprove the application, or to request the applicant to modify his proposal. One possible modification could be the conversion of only one of the units to medical offices and the retention of the second unit in residential use.

Mrs. Gault, who was present in the audience, stated that she represented property owners in the immediate area and the Presidio Heights Association of Neighborhoods. She felt that Mr. Passmore

had given a very fair summary of the background of the matter. She stated that residents of the subject neighborhood had worked very hard to rehabilitate buildings which had previously been used as boarding houses; and the neighborhood is now one of the most attractive neighborhoods in San Francisco. She indicated that the building in question was designed as a two-family residence and has always been used residentially; and she stated that residents of the neighborhood were amazed last summer when they had found out that the property is zoned for commercial use. At that time, she had inquired about the possibility of seeking a reclassification of the property but had been advised that the problem would be resolved during the course of the Residential Zoning Study. She submitted a petition which had been signed by residents of the neighborhood in support of her request for a discretionary review; and she hoped that the Commission would grant that request.

The Secretary called attention to a letter which had been received from Richard Goldman, President of the Presidio Heights Association of Neighbors, supporting Mrs. Gaults' request for a discretionary review.

Dr. Oremland, the applicant, stated that the subject property had been on the market for a number of months before he finally purchased it. He had contacted the realtor who had advised him that the property is commercially zoned, explaining that that was the reason for the high value which had been placed on the property. Subsequently, he had confirmed with the staff of the Department of City Planning that the property is commercially zoned; and he had checked with the Bureau of Building Inspection with regard to its requirements for the proposed conversion. Furthermore, in purchasing the property, he had obtained a covenant from the owner of the vacant land adjacent that any buildings constructed on that site would be architecturally compatible with his building; and that covenant had added to the cost of his property. Finally, he had submitted plans for the proposed renovation to the Department of City Planning and the Bureau of Building Inspection; and, after receiving assurances that everything was alright, he had proceeded to purchase the property two months ago. He emphasized that the cost of the property was very much related to the zoning of the site; and he assured the Commission that the building which he had purchased would be preserved in its present form. New commercial buildings will be constructed on the adjacent property which is presently vacant; and his building would serve as a buffer between the new commercial buildings and the residential buildings on Laurel Street. He assumed that residents of the neighborhood relied on the integrity

of the zoning of their own properties; and he urged the Commission to protect the integrity of the zoning of the property which he had acquired.

Colonel Hudson, a 30-year resident of the subject neighborhood, confirmed that residents of the neighborhood had undertaken extensive repair and renovation of their buildings; and the area is now one of the most attractive blocks in the city and houses many children of school age. He felt that the change in use proposed for the subject building would be extremely damaging for the neighborhood; and he urged the Commission to undertake discretionary review of the proposal.

Edward I. Murphy, Acting Director of Planning, advised the Commission that the staff was somewhat divided in opinion regarding the request for discretionary review. However, since the staff had given conflicting assurances to Mrs. Gault and to the present owner of the subject property, he felt that the fairest thing for the Commission to do would be to proceed with the discretionary review.

After further discussion it was moved by Commissioner Dearman and seconded by Commissioner Finn that the Commission grant the request for discretionary review.

Commissioner Finn remarked that disapproval of the building permit application would have the effect of reclassifying the property from commercial to residential zoning; and he questioned whether the Commission could legally take such action. Mr. Passmore stated that it was that concern which had caused the difference of opinion at the staff level. He stated that discretionary review has generally been used to modify a proposed use within the general confines of the zoning of the property and the uses permitted by that zoning. However, if the subject building permit application were to be disapproved, the Commission might effectively be telling the property owner that he could not use his commercially zoned property for commercial purposes; and that would be tantamount to reclassification of the property, which is a legislative function and not within the province of the City Planning Commission.

Mr. Murphy stated that he hoped that the Commission might be able to achieve some compromise between the owner of the property and residents of the neighborhood; however, he did not feel that it would be appropriate for the Commission to completely deny the building permit application because such an action might be considered as reclassifying the property.

When the question was called, the Commission voted unanimously to schedule a discretionary review of this matter to be held on February 26 at 3:00 P.M.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO CITY PLANNING CODE
REGARDING INSTITUTIONAL MASTER PLANS.

Robert Passmore, Planner V Zoning, reported on this matter as follows:

"The proposed amendments to the City Planning Code would require the filing with, and hearing by, the City Planning Commission of institutional master plans for the development of certain institutions of higher learning, hospitals and sanitariums, and relate such institutional master plans to City Planning Commission decisions concerning those institutions that require conditional use authorization under the City Planning Code.

"These amendments, which were sponsored by Supervisor Kopp, have been submitted by the Board of Supervisors with the request that the Commission review the proposal and transmit its comments and recommendations to the Board for possible legislative action.

"The proposed amendments would make, with some modification, a procedure followed by the Planning Commission a City Planning Code requirement. When this procedure was adopted as policy by the City Planning Commission in October 1974 under Resolution No. 7251 the Coalition for San Francisco Neighborhoods requested that the institutional master plan procedure be formalized in the Planning Code, and submitted suggested text. The amendments submitted by the Board of Supervisors are essentially the same as suggested by the Coalition.

"In a report made by the Department of City Planning in November 1975 as part of the Residential Zoning Study the creation of an institutional district for major institutions and the inclusion of the institutional master plan procedure as part of the Planning Code was recommended. Final recommendations resulting from this study are presently scheduled for submittal to the City Planning Commission in May 1976.

"Three hospitals, St. Joseph's Hospital, Ralph K. Davies Medical Center, and St. Francis Hospital, have submitted institutional master plans which have been publicly reviewed by the City Planning Commission under the present policy, and a conditional use has been authorized for development indicated in the plan filed by St. Joseph's Hospital.

"THE PROPOSAL - Submitted by the Board of Supervisors

"The proposal would amend Article 3 of the City Planning Code so as to require:

1. That within 3 months of the effective date of the subject legislation all accredited academic colleges, universities or other institutions of higher learning, hospitals and sanitariums file an institutional master plan with the City Planning Commission, and that such plans be updated every two years thereafter unless substantive changes requiring revisions occur within a lesser time period.
2. That a public hearing be held by the City Planning Commission to review each institutional master plan or subsequent revision between 30 and 90 days after filing with the Commission.
3. That no conditional use be authorized an institution for which an institutional master plan is required unless the proposed development is described in a master plan filed at least six months before the filing of the conditional use application.
4. That no conditional use be authorized a hospital or sanitarium unless the institutional master plan filed with the Planning Commission has been approved by the San Francisco Comprehensive Health Planning Council.

"The proposed amendments would require that an institutional master plan describe the existing institution, short-range and long-range plans of the institution, the conformity of the plans with the City's Master Plan and with any neighborhood plans, anticipated impacts on the surrounding neighborhood, and alternatives and mitigation methods that would lessen the impacts. The public hearing by the City Planning

Commission would be for the receipt of public testimony only, and would not constitute an approval or disapproval of the institutional master plan. The testimony received would become part of the institutional master plan file which would be available for public review.

"The proposed amendments differ from the present policy of the Planning Commission adopted under Resolution No. 7251 in the following ways:

1. Under the existing Commission policy, institutional master plans are required to be filed by only those institutions anticipating future applications for conditional use authorization, and updating of the filed plans is required only in the case of substantive revisions.
2. No time limits are now established for the public hearing on the institutional master plan.
3. The six months period between filing of the institutional master plan and any application for a conditional use is not mandatory.
4. Neither review nor approval by the San Francisco Comprehensive Health Planning Council of the institutional master plan is required prior to City Planning Commission authorization of a conditional use for a hospital or sanitarium.

"ALTERNATIVE PROPOSAL

"The Department of City Planning has prepared an alternative proposal that it believes meets the intent of the proposal submitted by the Board of Supervisors while clarifying certain of the provisions, and modifying others that would set deadlines for submittals or hearings of institutional master plans that may be extremely difficult to meet, would require quite complex institutional master plan statements from small institutions that have little if any impact on the surrounding neighborhood, and would make approval of a conditional use possible only if another review body gives prior approval. The principal differences proposed are:

1. All institutions would be required to file an institutional master plan by December 31, 1976, rather than 3 months from the effective date of the amendments.
2. An abbreviated institutional master plan would be permitted for institutions occupying a site of less than one acre, and not anticipating any future expansion. The holding of a public hearing on such an abbreviated plan would be at the option of the City Planning Commission.
3. Rather than a mandatory updating of filed institutional master plans every two years, institutions would only be required to report every two years on the status of their filed master plans, and update such plans only when substantial changes are planned.
4. Instead of requiring institutional master plan approval by the San Francisco Comprehensive Health Planning Council prior to conditional use authorization by the City Planning Commission for hospital or sanitarium, only the review and comment of that agency, or any successor agency, would be required. A minimum 60 day period would be provided for such review.

"INSTITUTIONS COVERED

"The intent of the amendments is to require institutional master plans only for such medical institutions as acute care hospitals and sanitariums; convalescent hospitals and rest homes would not be covered by the amendments. Notice of the hearing of the proposed amendments was sent to about 40 San Francisco hospitals listed in the yellow pages of the telephone book; however, it is probable that the amendments would be applicable to only 13 of these institutions. Notice was sent to approximately 60 academic colleges and universities listed in the yellow pages of the telephone book. The exact number of these institutions that would be subject to the provisions of the proposed amendments is currently unknown, because a number of these institutions are actually trade schools and thus not included within the definition of 'accredited academic colleges and universities.'

"The present institutional master plan policy adopted under Resolution No. 7251 has been applied only to institutions of a significant size, and since adoption of this policy conditional use applications have been approved for a number of smaller institutions without requiring prior filing of an institutional master plan. The presently proposed amendments, if adopted and implemented, will require an undetermined amount of staff time not presently allocated to this type of review and record keeping."

At the conclusion of his presentation, Mr. Passmore stated that a second alternative proposal had been submitted by the Coalition for San Francisco Neighborhoods just prior to the Commission's meeting; and he indicated that the staff had not had an opportunity to review that proposal.

Commissioner Rosenblatt asked why convalescent hospitals had been excluded from the draft ordinance. Mr. Passmore replied that the Board of Supervisors had defined institutions by reference to specific sections of the City Planning Code; and the sections cited had not involved facilities such as rest homes and convalescent hospitals. He stated that he was aware of only one convalescent hospital in San Francisco which has expanded since 1960; and he remarked that most of the existing convalescent hospitals have been designed as a complete package. However, if convalescent hospitals located in residential districts should decide to expand, they would have to come to the Commission for conditional use authorization.

Commissioner Rosenblatt asked why the staff was recommending that the San Francisco Comprehensive Health Planning Council, or any successor agency, would be required only to review and comment on institutional master plans instead of approving such plans as would have been acquired by the Board of Supervisors draft ordinance. Mr. Passmore replied that the staff had had two concerns about that issue. The first was that the draft ordinance of the Board of Supervisors would have established a precedent by requiring an outside agency to take action on a proposal before action could be taken by the Commission; and the second concern was that the San Francisco Comprehensive Health Planning Council, as presently constituted, does not have a sufficiently large staff to review all of the institutional master plans which will be submitted under the terms of the ordinance. Under the circumstances it had seemed more appropriate to merely ask the Council for its comments.

Commissioner Starbuck asked if hospitals have traditionally requested the San Francisco Comprehensive Health Planning Council to review their expansion proposals. Mr. Passmore replied that he was not sure what practice has been followed by the hospitals. He indicated, however, that the Department of City Planning has referred all proposals for hospital expansion to the Council. Sometimes replies have been received; and on other occasions replies have not been received.

Robert Coate, representing Lone Mountain College, stated that he favored adoption of the draft ordinance as amended by the staff of the Department of City Planning.

George Clinton, an attorney for and member of the Board of Regents Cogswell College, stated that the college operates under an endowment which specifies that it must be located in San Francisco. Until two years, the college as located in the Mission district; but the college recently invested in a building at 600 Stockton Street which was constructed by the Metropolitan Life Insurance Company in 1910. The major portion of that building is rented to commercial tenants; and he was concerned that reclassification of the property to an institutional district would hamper the college's ability to satisfy its tenants.

Mr. Passmore stated that the creation of an institutional district is being considered during the course of the Residential Zoning Study, a procedure completely separate from the one presently under consideration by the Commission.

Mr. Ehlers, also representing Cogswell College, stated that less than one-half of the buildings on the property known as 600 Stockton Street are occupied by the college; and, in view of the fact that Mr. Passmore had stated that the proposed ordinance would establish special procedures for institutions occupying sites of less than one acre, he wondered how the proposed ordinance would affect Cogswell College.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the proposed ordinance specified that abbreviated master plans would be permitted for institutions occupying a site of less than one acre and not anticipating any future expansion.

Robert Durzon, Director of the University of California Hospitals and Clinics, represented Chancellor Frances A. Sooy. He read

and submitted the following prepared statement:

"INSTITUTIONAL MASTER PLANNING RESOLUTION

"The University of California San Francisco supports the meaning and intent of Supervisor Kopp's resolution on institutional master planning.

"We agree with the principle that all institutions should develop master plans for long range development consistent with the goals of city-wide planning, and indeed we have spent \$200,000 in the past five years developing our long range plans and trying to cooperate fully with City agencies.

"We also agree that institutions must develop their plans with maximum concern for the impact that institutions have on surrounding neighborhoods. When impacts such as traffic congestion, excessive parking demand, increased noise, etc. are identified, mitigating measures to reduce such impacts must be employed.

"The University, although exempted by State charter from the rigors of local planning, has tried to be sensitive and responsive to neighborhood needs. It is our belief, however, that a balance must be struck between the needs of institutions that make such important contributions to the health and well being of the people of San Francisco, and the need to maintain a quality urban residential neighborhood for the people who live near them.

"We have contributed to this balance at the University of California by effecting the following:

- (1) Limited the square footage on the campus.
- (2) Committed over one-half of our land area to remain in its natural state for at least 25 years.
- (3) Decentralized most of our teaching program, and are seeking ways to train additional students off campus. This ability to decentralize is dependent directly on the strength of our core on-campus program.

- (4) Redesigned and reduced the size of proposed new buildings in order to improve the campus environment.
- (5) Stopped acquisition of private houses through the right of eminent domain and have committed the University to return most to residential use.

"These are extraordinary efforts, quite probably unmatched by any campus anywhere.

"Lastly, I want to make a special point. There is a critical role for institutions in the City of San Francisco, whether they provide health care or are institutions of higher learning. There can be no denial that, as one example, the University of California San Francisco plays a major role in the life of this city and in the life of our own neighborhood.

- (1) Eight in ten of our campus population live in San Francisco and more than one in four live within one mile of the campus.
- (2) In 1974-75 we paid more than \$97,000,000 in salaries and wages. The campus purchased \$37,000,000 in goods and services, much of it in San Francisco.
- (3) Last year, our scientists attracted into this City \$44,000,000 in Federal grant money. The Medical School received more research funding than all but one of the nation's 110 medical schools.
- (4) Yearly, \$5,300,000 is available for scholarship aid and loans for students and their families.
- (5) Some 26,000 persons, mostly health professionals, participate in continuing education programs sponsored by UCSF on campus, downtown, and in local areas throughout the State.

"It is with pride that I emphasize that we are also a major source of employment and educational opportunities for this City's minority groups. We have a strong record in affirmative action hiring and our minority student recruitment

program is outstanding. With the exception of Meharry, Howard, and the University of Hawaii, the UCSF Medical School has enrolled and is training more non-caucasian medical student than any other U.S. school. I would add that in 1975, 39% of our freshman medical students are women. (Attached to this testimony are other important facts.)

"While we are one of the three major tertiary health care service centers in the State of California, we also serve the health care needs of the people of this city and our own neighborhood. One in three in-patients are San Franciscans and one-third of this group resides in the adjacent Inner Sunset and Haight-Ashbury communities. We also provide health care to 40,000 ambulatory patients each year, half of whom are from San Francisco. Of 58,380 dental care visits yearly, approximately 35% come from our immediate neighborhood.

"Institutions are not buildings--they are organizations of fellow humans, in our case mostly San Franciscans who work, live, learn and care for other citizens. These human organizations are a vital part of the fabric of San Francisco. Like all humans, they too need to breathe, be understood and appreciated, and be encouraged to thrive. Like all worthwhile human beings they must be good neighbors as well.

"Those of us who guide U.C. are trying hard to fulfill that responsibility."

At 4:15 P.M. President Lau announced a ten minute recess. The Commission reconvened at 4:25 P.M. and proceeded with hearing of the remainder of the agenda.

George Morris, Vice-President of the Sunset Heights Improvement Club, stated that his organization had distributed a questionnaire to one-hundred families in 1973 relative to the dental building at the University of California Medical Center. Of the responses received, seventy-five had indicated that they were in favor of completion of plans for the medical center and six had given a negative response. When reminded by President Lau that the matter under consideration was the proposed ordinance requiring preparation of institutional master plans, Mr. Morris stated that his organization supported the proposed ordinance.

Dean Marvin J. Anderson, representing Hastings College of the Law, submitted but did not read a prepared statement. He stated that he was generally supportive of the Board of Supervisors proposed ordinance with some reservations; but he found the revised draft which had been prepared by the Department of City Planning to be fully acceptable.

Richard Balch, Vice-President of the Pacific Medical Center, remarked that institutions operated by the University of California have many options open to them and can move any place in the State. However, private institutions face different sorts of problems. He emphasized that Stanford University had moved its medical center out of San Francisco; and if other private institutions do not find a favorable climate in the City, they may leave, also.

Commissioner Bierman asked Mr. Balch if he felt that an ordinance requiring institutional master planning would cause institutions to leave the City. Mr. Balch replied in the negative and indicated that the draft ordinance, as amended by the staff of the Department of City Planning, was acceptable.

Thomas Jenkins, representing the West Bay Hospital Conference which includes thirteen acute hospitals in its membership, spoke in support of the concept of master planning, describing it as an exercise of leadership which is sound. He stated that the members of his organization had had difficulty with some particulars in the draft ordinance which had been proposed by the Board of Supervisors. They had had especially strong reservations about the provisions of that draft ordinance which would have required institutional master plan approval by the San Francisco Comprehensive Health Planning Council. He stated that the Council is presently in a state of flux; and, in any case, constant changes occur at the State and Federal level with regard to functions and objectives which are not always of concern to San Francisco. Furthermore, he felt that the delegation of power of the City Planning Commission and the Board of Supervisors to a third party agency would not be in the best interests of San Francisco. However, he indicated that he fully supported the staff recommendation for review and commend by the San Francisco Comprehensive Health Planning Council or its successor agency on any institutional master plans which might be filed. He stated that the members of his organization had also been concerned about the original draft ordinance requirement that master plans must be filed within three months, which in some cases would be a physical impossibility; and he felt that the December 31, 1976, date

for filing of the institutional master plans which had been recommended by the staff of the Department of City Planning would be more appropriate, providing that the ordinance passes through the City Planning Commission and the Board of Supervisors within a reasonable period of time. In that regard, he commented on the fact that an institutional master plan would be of no value to the Commission or to anyone else if it is not well prepared; and time is needed for adequate preparation of such plans. He also stated that the members of his group had objected to the provision of the original draft ordinance which had provided that a mandatory updating of filed institutional master plans must be made every two years; and he felt that the staff requirement for a status report on filed master plans every two years and updating of such plans only when substantial changes are planned was preferable. Mr. Jenkins stated that the members of his organization continued to have one problem with the draft ordinance as recommended by the staff of the Department of City Planning; and that problem related to the mandatory six month period between the master plan review process and the consideration of a conditional use application for a specific expansion proposal. He stated that institutions already are forced to spend a considerable amount of time in preparation and review of institutional master plans and environmental impact reports; and if the Commission and the public could be satisfied with a proposal for a particular expansion project prior to the elapse of the six month waiting period he saw no reason why the institution should not be permitted to proceed with the project. In these inflationary times, delays cost money. Therefore, he recommended that the waiting period between the consideration of an institutional master plan and the consideration of a conditional use application for a specific expansion project be reduced to two months. Finally, he stated that he understood that the Coalition for San Francisco Neighborhoods intended to propose a third alternate proposal for the draft ordinance; and he indicated that he would like to have an opportunity to respond to the recommendations made by that organization.

Stanley Smith, Secretary-Treasurer of the San Francisco Building Trades Council, advised the Commission that 40% of local workers in the construction industry are unemployed and that 20% of the workers are on part-time employment. While he felt that master planning is necessary and indicated that he could not be opposed to that process, he believed that the Commission should be aware of the employment problems in San Francisco. While he appreciated the Commission's concern for the quality of the environment in residential neighborhoods, he believed that additional restrictions might cause institutions to move out of the city; and people will not be

able to afford a place to live if they lose their jobs. In conclusion, he emphasized that local institutions do employ a large number of people.

Dr. Richard Sax, Executive Director of the San Francisco Consortium, stated that the Consortium represents eight major institutions of higher learning in San Francisco including four public institutions and four private institutions. He stated that the Consortium had not received a notice of the Commission's hearing; however, having learned of the proposed draft ordinance, the Consortium intended to discuss the matter at its meeting next Thursday.

George Shaw, Director of Planning for the San Francisco Community College District, stated that he supported the concept and intent of the draft ordinance which had been proposed by the Board of Supervisors; and he indicated that he would be willing to work closer with the Department of City Planning in preparation of future plans for the Community College District. He emphasized that the Community College District has only one major campus in San Francisco at the present time; and he indicated that the decision for a single campus had been reached in conjunction with the Department of City Planning. Additional needs of the Community College District are served by smaller facilities throughout the city. While he generally supported the proposed changes which had been recommended by the staff in the draft ordinance, he was still not entirely sure how the ordinance might affect the Community College District; and he indicated that he would appreciate an opportunity to sit down with the staff to discuss the matter and to suggest any additional changes which might be desirable.

Calvin Welch, representing the Haight Ashbury Neighborhood Council, stated that the neighborhoods in which the major medical institutions are located are medically under-served by those institutions. Furthermore, the population of those neighborhoods contains many unemployed people and many people on public assistance. He remarked that the City Planning Commission had previously adopted guidelines for institutional master plans because of the impact of institutions on the Haight Ashbury District in particular; and the draft ordinance which was presently before the Commission was an out-growth of that community concern. He advised the Commission that the San Francisco Consortium represents at least three institutions who have apparently never heard of a master plan; and the general practice of institutions has been to avoid contact with representatives of the surrounding community until such time as a specific project is being proposed. When such projects are brought

before the Commission, the argument is inevitably made that approval must be given by the Commission because of economic reasons. He felt that the time has come when institutions must learn to live with the planning process; and he hoped that the problems which had been experienced in the past could be avoided or resolved by that process. He expected that the institutions would continue to oppose the process on the basis that it takes too long for them to talk with their neighbors; but failure to engage in the planning process inevitably contributes to the "circle of blight" which surrounds institutions because people who purchase property in the vicinity of institutions, not knowing that the institutions plan to do, will not improve their properties and will hope to sell them to the institutions at a profit in the future. He also emphasized that expansion of institutions in San Francisco almost inevitably results in demolition of housing. He felt that institutions should be required to disclose their property holdings, their time-table for development, and other plans and intentions which could have an impact on the neighborhoods which surround them. To demonstrate the magnitude of the problem, he advised the Commission that between 800 and 1,000 housing units have been demolished in San Francisco since 1960 for hospital expansion alone. In conclusion, he stated that the City Planning Commission must decide how institutions can meet their needs without disrupting people and neighborhoods in the future.

Douglas Engmann, President of the Stanyan/Fulton Street Association and representative of the Coalition of San Francisco Neighborhoods, stated that the Coalition had authored a draft ordinance and had submitted it to the City Planning Commission for consideration; but the City Planning Commission had refused to consider the matter. Subsequently, the Coalition had discussed the matter with Supervisor Kopp. He had agreed that the legislation was necessary and had introduced it to the Board of Supervisors for transmittal to the City Planning Commission in the fall of 1975; but the City Planning Commission had again refused to hear the matter, preferring to wait for completion of the Residential Zoning Study. The Coalition had objected to that delay because of impending projects at three or four hospitals and because the actual enactment of the rezoning resulting from the Residential Zoning Study could be as far as five years in the future. As a case in point, he noted that the new zoning which was established in 1960 was the result of a nine year process. He advised the Commission that the Coalition had studied the proposed changes in the draft ordinance which had been recommended by the staff of the Department of City Planning; and they had prepared in turn a third alternate proposal which he submitted to members of the Commission.

Mr. Engmann stated that the purpose of the proposed ordinance would be to give advance warning to neighborhoods of pending institutional developments so that the neighborhoods would be able to analyze the impact of the proposed developments before a conditional use application is scheduled for hearing before the City Planning Commission. In the past, the neighborhoods were too often confronted with a situation in which an institutional master plan, an environmental impact report, and a conditional use application were all considered and acted upon in one day following a notice period of only thirty days. The second purpose of the draft ordinance would be to incorporate review and approval of institutional master plans by the San Francisco Comprehensive Health Planning Council which has too often been ignored by the City Planning Commission in the past. He felt that it was absolutely essential that every proposal for hospital expansion should be reviewed and approved by that Council or its successor agency and that the City Planning Commission should not be making decisions before that body has acted.

Mr. Engmann stated that the Coalition for San Francisco Neighborhoods had no objection regarding some of the changes which had been recommended by the staff of the Department of City Planning in the proposed ordinance. However, other changes which had been made were of considerable concern to the Coalition. The original draft of the ordinance had specified that a public hearing must be held by the City Planning Commission to review each institutional master plan or subsequent revision between thirty and ninety days after filing with the Commission; but the staff of the Department of City Planning had deleted the ninety day limit and had specified that the hearing should be held "within a reasonable period". The Coalition felt uncomfortable with that revision; and the alternate which had been prepared by the Coalition specified that the public hearing should be held within six months of the filing. He believed that the institutions, also, would favor a specific time limit, especially if they were contemplating a construction project. The Coalition continued to feel that a full six months delay between the filing of an institutional master plan and a hearing on a conditional use application was absolutely crucial. Mr. Engmann stated that the Coalition had added language to the draft ordinance which would provide that the Department of City Planning shall not approve any building permit for any construction pertaining to any development of any institution subject to section "e" of the ordinance unless the institution had complied with all of the requirements of that section. Finally, while the staff of the Department of City Planning had recommended that institutional master plans should merely be submitted to the San Francisco Comprehensive Health Planning Council or successor agency for review and comment, the alternate proposal prepared by the Coalition would reinstitute the requirement that that agency must approve the institutional master plan before action could be taken by the City Planning Commission.

Concluding his presentation, he read a list of organizations which had endorsed the enactment of the proposed ordinance.

Commissioner Rosenblatt suggested that it might be appropriate to modify the language of the draft ordinance to specify that institutional master plans must be filed with ten or twelve months of the date of enactment of the ordinance rather than indicating a specific date such as December 31, 1976.

Mr. Engmann felt that such a change of language would encourage institutions to try to delay enactment of the ordinance when it is before the Board of Supervisors for consideration. He remarked that there is a great deal of institutional construction pending. The original draft which had been prepared by the Coalition for San Francisco Neighborhoods had specified that institutional master plans must be submitted within three months of the date of enactment of the ordinance; however, the Coalition had agreed to accept the specific date of December 31, 1976, which had been recommended by the staff of the Department of City Planning as a reasonable date. If that date were to be changed, the Coalition would prefer that a three month time limit be established rather than a ten or twelve month time limit.

Commissioner Starbuck asked if the San Francisco Comprehensive Health Planning Council had considered the master plan for St. Mary's Hospital. Mr. Engmann replied in the affirmative and indicated that the Council had determined that there was no need for the medical office building which was being proposed. However, the City Planning Commission at that time had refused to wait for the Council's recommendation. He noted that City Planning Code specifies that one of the criteria for granting a conditional use application is that the proposed development must provide benefits for the neighborhood in which it is to be located; and, in view of the fact that hospitals are in the business of dispensing health care, he felt that the San Francisco Comprehensive Health Planning Council was in a better position to evaluate the benefits which might accrue to a neighborhood from a specific proposal for development of reduced facilities than the staff of the Department of City Planning.

Ed Weil, representing the Sunset Parkside Education and Action Committee (SPEAK), remarked that the need of institutions in neighborhoods can be balanced only through a process of rational planning; and he regarded the requirement for preparation of institutional master plans as the first step in making institutional development a rational process. Therefore, he wholeheartedly supported the adoption of the proposed ordinance. He felt, however, that the draft of the ordinance was inadequate in that it would not require an institutional master plan to contain a description of services which might be related to an institution but not actually part of it. One example of such services would be office space for doctors. Also, universities attract

research grants which lead to the establishment of small institutions which are located in the vicinity of the universities so that teachers will have easy access to them. A significant example of such services is the existing medical office building opposite the University of California Medical Center and the proposed hotel in the same block. Ordinarily, such services or facilities would not be indicated in the institutional master plan because they would not be provided by the institution. Therefore, he recommended that the following language be added to section 312 (c) of the draft ordinance transmitted by the Board of Supervisors: "5. an analysis of related services and physical development, including, but not limited to, office space and medical out-patient facilities, which may be demanded as a result of the institutions development, but which will not be developed by the institution, and a description of methods to accommodate such developments."

Commissioner Rosenblatt felt that this matter should be taken under advisement for two weeks so that the Commission and staff would have an opportunity to analyze the changes which had been proposed by Mr. Engmann and Mr. Weil.

At this point in the proceedings, Commissioner Rosenblatt absented himself from the meeting room for the remainder of the meeting.

John Bardis, representing the Inner Sunset Action Committee (ISAC) and the Mount Sutro Defense Committee, stated that institutions have become a force in his neighborhood because of the amount of federal funding which has been available. There has been a six-fold increase in the amount of institutional space in his neighborhood; and the neighborhood now has the equivalent of five Transamerica buildings devoted to institutional use. With such growth, the institutions have become more like industrial complexes rather than institutions. He stated that his organization supported the proposed ordinance with the revisions which had been recommended by Mr. Engmann.

Jude Laspa, President of the Eureka Valley Promotion Association, stated that two major institutions are located in his neighborhood, one of which has been most cooperative while the other has been most reluctant to release any information regarding its future plans. He felt that enactment of the proposed ordinance was an essential step towards establishing a rational process for institutional expansion; and he indicated that his organization, as well as the Buena Vista Neighborhood Organization, were supportive of the proposed ordinance.

William Gilmartin, representing the Pacific Heights Neighborhood Council, submitted a letter which had been prepared by Anne B. Bloomfield, President of that organization. He remarked that the Pacific Medical Center, which was constructed five years ago, stands as a classic example of institutional expansion without the benefit of master planning; and he remarked that no traffic plan has yet been

instituted to protect the neighborhood from the traffic generated by that facility. He felt that any business larger than a peanut stand should have a master plan.

Mr. Jenkins supported Commissioner Rosenblatt's suggestion that this matter be taken under advisement for two weeks. He also indicated that he was extremely concerned about Mr. Engmann's proposal that institutional master plans should be approved by the San Francisco Comprehensive Health Planning Council or a successor agency before action could be taken by the Commission.

Commissioner Bierman asked what line of appeal institutions would have if the San Francisco Comprehensive Health Planning Council or its successor agency should refuse to approve an institution's master plan. Mr. Engmann replied that the institution would ultimately have recourse through various channels up to the secretary of the Department of Health Education and Welfare relative to the health issues involved.

Edward I. Murphy, Acting Director of Planning, recommended that this matter be taken under advisement until the meeting of March 4, 1976, at 3:30 p.m. He indicated that the staff would have its revised recommendations available by Friday, February 27.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that this matter be taken under advisement until the meeting of March 4, 1976, at 3:30 p.m.

PUBLIC HEARING ON "MOUNT SUTRO COMMUNITIES MASTER PLAN...
INSTITUTIONAL EXPANSION ELEMENT".

Idaree Westbrook, a resident of the Haight-Ashbury Neighborhood, stated that she did not see the name of a single Black, Asian, or Latino organization represented on the list or organizations supporting the proposed master plan; and since she had not been involved in its preparation, she did not know whether she wished to support it or not.

President Lau, noting that the hour was late, indicated that the Commission would be willing to schedule a night meeting for consideration of this matter in the neighborhood.

Calvin Welch, representing the Haight-Ashbury Neighborhood Council, felt that the Commission should proceed with the hearing as scheduled. He stated that the proposed plan had been circulated throughout the city since March, 1974; and all organizations which expressed interest were involved in preparation of the proposal.

President Lau asked for a show of hands of individuals in the audience who would prefer to proceed with the hearing as scheduled and those who would that a night meeting be held. The response was fairly evenly divided.

After discussion, it was moved by Commissioner Bierman, and seconded by Commissioner Starbuck, and carried unanimously that this matter be taken under advisement until Monday evening, March 1, 1976, at 7:30 p.m. at the John Adams School, 1860 Hayes Street.

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION
SUMMARY AND MINUTES OF THE SPECIAL MEETING
FRIDAY
FEBRUARY 20, 1976
100 LARKIN STREET
9:00 A.M.

PRESENT: Commissioners Bierman, Dearman, Lau, Rosenblatt, Starbuck.

1. Review and Discussion of Work Program and Budget for Department of City Planning which has been submitted to the Controller for Fiscal Year 1976-77.

The staff of the Department of City Planning summarized the work program and budget and responded to questions raised by members of the Commission.

During the course of discussion, Commissioner Bierman stated that she hoped that the work program would be flexible enough to enable the staff and Commission to explore what effect planning efforts made during the last five years have had on San Francisco's neighborhoods. She also indicated that she personally felt that reinstatement of an "unfunded" 1444 Clerk Stenographer position should be given priority over the "unfunded" planner positions.

Commissioner Rosenblatt questioned the urgency or desirability of continuing the Residential Zoning Study at its present level of staffing, given the other staffing problems of the Department. President Lau requested the Implementation Committee of the Commission to explore this issue at its next meeting and to make a recommendation to the full Commission. He also asked the Committee to focus on the staffing problems of the enforcement and permit review sections of the Implementation Division of the Department.

Commissioner Bierman suggested that the staff give consideration to preparing summaries of lengthy and technical reports for distribution to the public and to shorten reports wherever possible.

Commissioner Dearman stated that one of her concerns was that the budget should provide opportunities for increasing the number of minority planning staff members to the maximum extent possible.

The meeting was adjourned at 12:20 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, February 26, 1976.

The City Planning Commission met pursuant to notice on Thursday, February 26, 1976, 1:00 p.m. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; George A. Williams, Assistant Director-Plans and Programs; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Janis Birkeland, City Planning Coordinator; Joseph Fitzpatrick, Planner III; Ralph Gigliello, Planner II; Paul Rosetter, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

1:00 p.m. - Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:00 p.m. to take a field trip to properties to be considered during the Zoning Hearing to be held on March 4, 1976.

2:30 p.m. Room 282, City Hall

Approval of Minutes

Commissioner Dearman requested that the minutes of the meeting of February 20, 1976, be amended to reflect the fact that one of her concerns was that the budget should provide opportunities for increasing the number of minority staff members to the maximum extent possible. Subsequently, it was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that the minutes, as amended, be approved.

Current Matters

Edward I. Murphy, Acting Director of Planning, reminded the Commission of the Special Meeting scheduled for Monday evening, March 1, at 7:30 p.m. at the John Adams Adult School, 1860 Hayes

Street, when a public hearing will be held on the "Mt. Sutro Communities' Master Plan -- Institutional Expansion Element".

Mr. Murphy reported that next Thursday's Regular Meeting will commence at 1:45 p.m.

Mr. Murphy announced that the Budget & Personnel Committee of the Commission (Commissioners Rosenblatt, Dearman & Lau) will meet at 12:30 p.m. next Thursday, March 4.

Mr. Murphy advised the Commission of a community meeting to be held next Thursday even at the Grattan School, 165 Grattan Street, at 7:30 p.m. to review the preliminary Public Improvements Plan for the Upper Ashbury Rehabilitation Assistance Program.

Mr. Murphy mentioned that a status report on the Candlestick Shoreline Park had been distributed to the members of the Commission during the meeting of February 19; and he asked if any members of the Commission had any questions concerning the report. The members of the Commission indicated that they had no questions concerning the report.

Mr. Murphy recommended the adoption of a draft resolution which would authorize President Lau and the Acting Director to designate the individuals who will represent the Commission and staff at the Joint Conference of the American Society of Planning Officials and the American Institute of Planners to be held in Washington, D.C., from March 20 through March 26. After discussion, it was moved by Commissioner Mellon, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7450.

Commissioner Starluck, noting that the notice for Monday night's special meeting referred to the availability of off-street parking, stated that he had been asked by people who had received the notice to request the staff to call attention to the availability of public transit on future notices, also.

Commissioner Bierman remarked that individuals who had addressed the Commission on February 19 when the Commission was considering the appointment of a Northern Waterfront Planning Advisory Committee had requested that consideration should be given to the possible creation of an historic district in that area. In response to those requests, she moved that the Commission request the Landmarks Preservation Advisory Board to study the area generally within the boundaries of Northern Waterfront Special Use District No. 3 for possible designation as an historic district or such other designation as the Landmarks Preservation Advisory Board may wish

to consider. The motion was seconded by Commissioner Dearman. When the question was called, the Commission voted unanimously to transmit the request to the Landmarks Preservation Advisory Board. Commissioner Bierman then indicated that she felt that it would be appropriate for the staff of the Department of City Planning to review the appropriateness of the present zoning of the Northern Waterfront area. Other members of the Commission concurred. Mr. Murphy stated that the staff would review the zoning of that area as requested by the Commission.

DR76.1 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 452233 FOR SAN FRANCISCO FIREMEN'S CREDIT UNION BUILDING AT THE NORTHEAST CORNER OF MARKET AND CASTRO STREETS.
(UNDER ADVISEMENT from meeting of February 5, 1976).

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), indicated that the Commission, in taking this matter under advisement from the meeting of February 5, had requested the applicants to meet with neighborhood representatives in an effort to see if the plans could be modified to overcome the objections of neighborhood spokesmen. During the interim, a letter had been received from Jude T. Laspa, President of the Eureka Valley Promotion Association, as follow:

"Results of the three week delay on the above application will be presented to you on Thursday, February 26th. As you requested, representatives of the petitioning neighborhood and other interest groups have either met with the owner and his architect or reviewed the results of these meetings. Based on the owners agreements to provide a landscaped covering to the roof top parking we recommend that you approve the project.

"This project is now much more supportive of the Upper Market Street plan as we have conceived it. Retail use on the ground floor, extensive landscaping which ties in to the Castro Station plan, improved access to the retail space and the covered parking are all essential elements. The design for the parking cover will present an integrated, landscaped facade along Market Street. There are, however, many design features including choice of materials where our opinions differ from those of the architect. In these matters, the owner has chosen to support his architect's position. In other areas, including use of the Board meeting room, the owner feels that the matter can be worked out at a later date.

"Based on these actions and the demonstrated good faith of the owner, the following neighborhood organization representatives support the approval of this project."

- 1) Jude Laspa and Dorice Murphy, Eureka Valley Promotion Association.
- 2) Dale Champion, Buena Vista Neighborhood Association.
- 3) Clemens Work, Duboce Triangle Neighborhood Association.
- 4) Mayors Advisory Committee on Upper Market St."

Mr. Steele stated that it was apparent that a compromise had been reached between the applicants and neighborhood representatives; and, therefore, he recommended that the permit application be approved subject to six specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Arthur McIntyre, Secretary-Manager of the San Francisco Firemen's Credit Union, confirmed that he had met with neighborhood representatives and indicated his willingness to comply with the conditions which had been recommended by Mr. Steele.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Mellon and carried unanimously that the draft resolution be approved as City Planning Commission Resolution No. 7451 and that Building Permit Application No. 452233 be approved subject to the conditions contained in the draft resolution.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF
BUILDING PERMIT APPLICATIONS NOS. 454352 AND 454353 FOR
TWO SINGLE-FAMILY HOUSES AT 65 AND 71 BELGRAVE AVENUE.

Edward I. Murphy, Acting Director of Planning, asked that this matter be postponed for one week so that he would have an opportunity to consult with the City Attorney to determine whether this matter is properly before the Commission. He explained that the City Planning Commission had heard and disapproved similar permit applications for the same property in June, 1975; and it had come to his attention that a provision of the Administrative Code may prevent reconsideration until a period of one year has elapsed.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that consideration of this matter be postponed until the meeting of March 4, 1976.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 456268 FOR GLENDALE FEDERAL SAVINGS OFFICE BUILDING AT THE SOUTHEAST CORNER OF OCEAN AVENUE AND JUNIPERO SERRA BOULEVARD.

Janis Birkeland, City Planning Coordinator, reported on this matter as follows:

"Glendale Federal Savings and Loan is proposing to build a large structure to contain its banking facilities and two floors of rental office space at the southeast corner of Junipero Serra Boulevard and Ocean Avenue. This structure would replace a small temporary facility they are presently operating on the site.

"The ultimate development of this site has long been of concern to residents of the surrounding area as any structure at this location will be a prominent one, by virtue of the fact that the property is at the intersection of two major thoroughfares and is on a knoll that forms a natural terminus of the Junipero Serra Greenbelt.

"On November of 1975, the staff of the Department of City Planning became aware of the proposed project and sent the architects brief guidelines which indicated design criteria that should be considered for any development on the site. Included in these guidelines were the following considerations:

1. 'The residential scale of the surrounding vicinity (single-family detached dwellings) should be maintained through appropriate wall treatment and facade articulation.
2. Major landscaping should be provided along the eastern and western frontage.
3. 'The number of parking spaces should not exceed City Planning Code requirements.'

In addition, the staff suggested that the architects advise the local community groups of their plans, as the future development of this site was of concern to people in the area.

"Subsequently, the architects and representatives of Glendale Federal Savings and Loan arranged for a meeting with several local community groups to present a proposed design for the structure and to ascertain neighborhood concerns. Most community association representatives at that meeting felt that additional parking should be provided for the project, beyond that required by the City Planning Code. In response, the savings and loan representatives pointed out that the transportation section of the Department of City Planning had reviewed the project and determined that additional parking should not be provided.

"Several complaints were also voiced at that meeting regarding the large sign that had recently been installed. Glendale's representatives promised to change the sign if there were still objections after the new building was constructed, and agreed to return for another meeting in December to present final plans for discussion.

"Following that meeting, the Department of City Planning received several letters from the community groups represented at that meeting, raising additional concerns. OMI wrote that 'the building's architecture (should) be consonant with that of surrounding structures' and that 'the Junipero Serra Greenbelt (should) be continued'. The west of Twin Peaks Central Council wrote that 'the proposed structure is incompatible with the surrounding area, the setback is insufficient, and the available parking is sub-standard for the facility it is to serve'. Letters from the Lakeshore Acres Improvement Club and the Ingleside Terraces Homes Association echoed these concerns.

"Glendale Federal Savings and Loan has subsequently informed the Department of City Planning that they would be willing to meet with the community representatives again to discuss possible changes in the facade and have since submitted an alternative facade treatment which they felt would meet community requests for an 'Early California Look'. However, they believe that (1) financial considerations will not permit them to build a smaller building that would result if the building were to be set back further from Junipero Serra, and (2) more parking on the site would conflict with City Planning Department requirements.

"Because Glendale felt they had reached an impasse in meeting community concerns, they are now asking that the City Planning Commission conduct a Discretionary Review of the proposed project in order to resolve those issues."

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the staff regarded the subject property to be a relatively sensitive location; and, therefore, he felt it would be appropriate for the Commission to hold the discretionary review as requested.

Nate C. Degiobbi, Vice-President of Glendale Federal Savings and Loan, indicated that he was present to respond to any questions which might be raised by members of the Commission.

President Lau asked if it was absolutely necessary for Glendale Savings and Loan to construct a three-story building on the site. Mr. DeGiobbi replied that the space in the proposed building will be needed to serve the needs of the community.

Commissioner Dearman asked if it was necessary for the bank to have drive-up windows. Mr. DeGiobbi replied that a lot of people drive their automobiles to branch banks to conduct their banking business; and he felt that it was necessary to accommodate those customers.

Commissioner Dearman then asked if Glendale Savings and Loan pays the postage for its customers who prefer to bank by mail. Mr. DeGiobbi replied in the affirmative.

Oscar Fisher, representing the West of Twin Peaks Central Council, stated that the next meeting of his organization is scheduled to be held on March 22; and he requested that the discretionary review be calendered for consideration after that date.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman and carried unanimously that the request for discretionary review be granted and that the discretionary review be held on March 25 at 2:30 p.m.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF
BUILDING PERMIT APPLICATION NO. 451748 FOR A SIX-UNIT
APARTMENT BUILDING AT 3051 PINE STREET.

Paul Rosetter, Planner II, stated that the individuals who had requested the discretionary review own apartment buildings on either side of the property located at 3051 Pine Street; and they had requested the discretionary review because the new apartment building would block light wells in both of their buildings. In one case, a light well would be totally blocked; and in the other case a light well in the new building would partially adjoin an existing light well. In requesting the discretionary review, the owners of the adjacent properties had expressed hope that the developer could

be encouraged to lower the height of the proposed building, to rearrange the location of the light wells in the building, or to take some other steps to provide more light and air for adjacent buildings. They had met with the developer but had arrived at no compromise or consensus. In conclusion, Mr. Rosetter stated that the subject property is presently vacant and has been vacant for a number of years.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the request for discretionary review be denied. He remarked that construction of the light wells so that they would coincide with light wells in existing adjacent buildings would have both advantages and disadvantages. In any case, the individuals who had requested discretionary review could paint the inside of their own light wells white so that they would reflect more light. He regarded the issue as a minor one which could best be resolved by the neighboring property owners rather than through Commission involvement.

Mr. Rosetter stated that the individuals who had requested the discretionary review had been unable to attend the Commission meeting.

George Rescalvo, the owner of the subject property, stated that he had given special attention to safety factors in the design of the proposed building; and he felt that it would be safe than the adjacent buildings.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the request for discretionary review of Building Permit Application NO. 451748 be denied.

RL18.75.19 - PUBLIC HEARING ON TENTATIVE MAP FOR A 51-
LOT SUBDIVISION IN A PORTION OF BLOCK BOUNDED
BY BRUNSWICK, GUTTENBERG, HANOVER AND LOWELL
STREETS, A PORTION OF ASSESSOR'S BLOCK 6489.

Paul Rosetter, Planner II, referred to land use and zoning maps to describe the subject property which is an irregular parcel with frontages of 445 feet on Brunswick Street, 106.50 feet on Guttenberg Street, 208 feet on Hanover Street and 213 feet on Lowell Street for a total area of 3.742 acres. The property is zoned R-1 and is located in a 40-X height and bulk district. Abandoned green houses front on Guttenberg Street and two vacant structures front on Brunswick Street. The rest of the property is vacant, having formerly been a truck farm. The applicant proposed to subdivide the parcel into 51 lots. There would be 6 lots

fronting on Hanover Street with 25 and 29 foot widths, 4 lots on Guttenberg Street with approximately 27 foot widths, 13 lots on Brunswick Street with 25 foot widths, and 8 lots on Lowell Street with widths of 25 and 29 feet. A new cul de sac street would be platted in the center of the block to provide access to lots ranging from 33 to 40 feet in width. This new street would be 34 feet curb to curb with 8 foot sidewalks. All the lots meet or exceed the minimum lot size established by the City Planning Code. The lots would be developed with 3 or 4 bedroom single family houses with one floor of occupancy over a double garage. Mr. Rosetter stated that the Subdivision Code requires that for all newly constructed subdivisions the subdivider must provide street trees and landscaping conforming to the policies of the Master Plan and that where required pursuant to the Master Plan the subdivider must provide for the landscaping of open areas and the maintenance thereof. The Code also requires a sales program which promotes affirmative action in housing. The Code further requires that in projects with 50 or more units the subdivider shall make available ten percent of the units for low-and moderate-income occupancy, provided that the City Planning Commission finds that governmental subsidies for such occupancy are available to the subdivider. In that regard, he stated that the staff had received a letter from James P. Jaquet, Director of the Mayor's Office of Community Development, advising that to the best of his knowledge there are no governmental subsidies for such occupancy available to the subdivider at the present time.

Commissioner Bierman, noting that the Commission had received petitions from residents of the neighborhood expressing certain concerns regarding the proposed subdivision, asked if the staff of the Department of City Planning had met with residents of the neighborhood to discuss the matter. Mr. Rosetter replied in the affirmative. He stated that most of the residents of the neighborhood regarded development of the vacant property as an inevitable occurrence; and their basic concern was that the property be developed with housing comparable to housing which already exists in the area. Some individuals had expressed hopes that the developer would provide playground facilities in the subdivision.

Commissioner Dearman asked if the curb cuts which would be provided in the proposed subdivision would make it impossible for people to park on the street. Mr. Rosetter replied that the proposed houses would have double garages. However, the entrances to the garages would be oriented towards one side of the lot; and adjacent buildings would be constructed so that garage entrances and pedestrian entrances would alternately abut each other so that a maximum amount of curb space would be provided. As a result, curb spaces with a length of 18 feet would be available in the portions

of the subdivision which would have 25 foot lots; and longer curb-side parking spaces would be available in the portions of the subdivision which would have 33 foot wide lots.

Commissioner Bierman asked if there is any open space or recreational space in the vicinity of the subject property. Mr. Rosetter replied that the Alice Chalmers Playground is located less than one block away from the property.

Frank Carraro, representing the developer, stated that most of the people with whom he had had contact in the neighborhood seemed to be in favor of the proposed subdivision; and he indicated that it was his understanding that a petition supporting the subdivision had been filed with the Commission.

No one else was present to address the Commission on this matter.

Mr. Steele recommended the adoption of a draft resolution which contained the following resolves:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that governmental subsidies for low and moderate income occupancy are not available to the subdivider, and consequently, that the subdivider is not required by the Subdivision Code to make available ten percent of the proposed units for low and moderate income occupancy;

"AND BE IT FURTHER RESOLVED, That the City Planning Commission does hereby find that the subdivision of a portion of the block bounded by Brunswick, Guttenberg, Hanover and Lowell Streets, as set forth in the tentative map submitted with Referral No. R118.75.19, is consistent with the Master Plan; provided, however, that the following conditions are complied with:

1. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code.
2. All utilities for the proposed dwelling units shall be undergrounded.
3. Street trees shall be planted according to a landscaping plan approved by the Department of City Planning.
4. The location of the houses on their respective lots shall generally conform to the Site Plan dated January 2, 1976, by Harold C. Dow, Architect."

After discussion, it was moved by Commissioner Starbuck, seconded by Commissioner Finn, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7452.

R118.76.1 - PUBLIC HEARING ON TENTATIVE MAP FOR A 10-LOT
SUBDIVISION AT SAWYER AND HAHN STREETS AND
LELAND AVENUE, A PORTION OF ASSESSOR'S
BLOCK 6259.

Ralph Gigliello, Planner II, referred to land use and zoning maps to describe the subject property which consists of varying widths and 100 or 110 foot depths, the entire parcel having frontages of approximately 209, 70 and 98 feet upon Sawyer Street, Hahn Street and Leland Avenue, respectively. The property is zoned R-1 and is subject to a 40-X height and bulk district. The proposal was for a resubdivision of the area of 9 existing lots into 10 smaller lots measuring from approximately 2,430 to 3,960 square feet, with widths ranging from 25 to 36 feet. An existing one-family house would be retained with a diminished side yard on the south side. Two one-family attached houses are presently under construction and would be completed according to previously approved plans. The remaining seven lots would be developed with one-family attached houses similar to the two presently under construction. He stated that the subdivision code requires that for all newly constructed subdivisions, the subdivider must provide street trees and landscaping conforming to the policies of the Master Plan, and that where required pursuant to the Master Plan the subdivider must provide for the landscaping of open areas and the maintenance thereof. The Code also requires a sales program which promotes affirmative action in housing.

B. Baylocq, representing the owner of the property, indicated that he was present to respond to any questions which might be raised by members of the Commission.

Commissioner Starbuck asked if there were reasons other than economic for resubdividing the property from 9 lots to 10 smaller lots. Mr. Baylocq replied in the negative.

Commissioner Dearman inquired about the price which would be asked for the new houses. Mr. Baylocq replied that the houses will be priced between \$50,000 and \$55,000.

Charles Osborne, a resident of the neighborhood, asked why four lots which had previously fronted on Leland Avenue had been reoriented to Sawyer Street. Mr. Baylocq replied that three of the lots had previously had a width of 25 feet while the corner lot

had had a width of only 22 feet. By reorienting the lots to Sawyer Street, a situation would result in which all of the lots would have a width of 25 feet.

Mr. Osborne then remarked that the property contains a 40 year old stand of cactus; and he asked if the cactus would be removed. Mr. Baylocq replied that the developers had not yet made a decision regarding the cactus.

Mr. Gigliello stated that the cactus is growing in an area which will become the rear yards of four of the lots; and, as a result, it would not have to be removed to make way for the new housing. He suggested that the Commission might wish to ask the developer to instruct his construction crew that the cactus should not be disturbed. Subsequently, the new owners of the property could decide whether or not to retain the cactus.

Commissioner Dearman asked how large the rear yards of the new houses will be. Mr. Gigliello stated that the new houses have a depth of approximately 50 feet on lots which are at least 100 feet deep.

Commissioner Bierman asked if there are any trees on the subject property. Mr. Gigliello replied that there are trees of moderate size on the property which should be preserved; and he indicated that the houses which are presently under construction had not resulted in the removal of any trees.

Mr. Baylocq stated that the cactus is quite voluminous; and he felt that it might be dangerous if someone had to cross the rear yard fences on account of fire or for some other reason.

Mr. Steele recommended that the proposed subdivision be approved as consistent with the Master Plan subject to two conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

It was moved by Commissioner Starbuck, seconded by Commissioner Rosenblatt that the draft resolution be adopted.

Commissioner Bierman asked if the Commission should include a third condition in the draft resolution specifying that the existing trees on the property should be retained. Mr. Steele replied that he felt that an expression of concern on the part of the Commission would be sufficient.

Commissioner Dearman asked if any of the proposed lots would have an area of less than 2,500 square feet. Mr. Gigliello replied that four of the lots have a depth of only 97½ feet; and, therefore, they would have an area of slightly less than 2,500 square feet. However, being located within a certain distance of a corner, those lots could have an area of only 1,750 square feet and still satisfy the provisions of the City Planning Code.

President Lau requested that the record show that the Commission was concerned about the preservation of existing trees on the property.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7453 and to approve the proposed subdivision as being consistent with the Master Plan subject to the conditions which had been recommended by Mr. Steele.

DR76.2 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 455531 FOR PROPOSED CONVERSION OF A DWELLING AT 316-318 LAUREL STREET TO OFFICES; IN A C-2 DISTRICT.
(Under advisement from meeting of February 19, 1976).

Robert Passmore, Planner V (Zoning), summarized the presentation which he had made to the Commission of this matter during the meeting of February 19. At the conclusion of his presentation, he read the following paragraph from a City Attorney's opinion issued in 1954 regarding the Commissions discretionary review authority:

"I think it is entirely plain, on the authority of the above enunciated general principles, that the reservation of authority in the present ordinances to deal in a special manner with exceptional cases is unassailable upon constitutional grounds. The possibility of abuse of the power granted does not disprove its existence; that possibility exists even in reference to powers that are conceded to exist. An occasional wrong decision by the granting authority is of less importance to the community than the unrelieved arbitrariness of an iron-clad ordinance. This is, however, a sensitive discretion and one which must be exercised with the utmost restraint."

Margaret Gault, 302 Laurel Street, stated that she represented the owners of property in the 300 block of Laurel Street; and she indicated that at least one representative from each of the families on the block was present in the meeting room. She distributed

information folders to members of the Commission; and she proceeded to review the chronology of neighborhood interest in the subject property, as follows:

- "1965-1976: Commencing in 1965, Laurel Street neighborhood and its neighborhood association (Presidio Heights Association of Neighbors --PHAN) requests a discretionary review of any changes in Lot 16, with notice to be given by the Department of City Planning to Robert Beach of PHAN.
- This neighborhood concern is reflected in the 1960 and 1974 Volumes relating to Block 1009, Lot 16, at the public counter of the Department of City Planning, 100 Larkin Street, San Francisco.
- "1971-1972: Laurel Street neighborhood discusses possible park status of vacant lot No. 16 with San Francisco Park and Recreation Department.
- Neighborhood requests owners of vacant Lot No. 16 for cooperation and permission to put in neighborhood mini-park and community garden.
- "1972-1975: Lot No. 16 is not for sale and there is no activity by owner concerning its use.
- Permission to put in neighborhood garden is denied.
- "June, 1975: Lot No. 16 is posted for sale.
- "July 6, 1975: Neighborhood representative, Mrs. James Gault, meets with Department of City Planning, 100 Larkin Street, to request information and advice from Department staff concerning rezoning of that northerly portion of Lot 16 containing the residential flats at 316-318 Laurel Street.
- "July 6, 1975: Staff of Department of City Planning advises neighborhood representative that rezoning is not the appropriate procedure at this time because City-wide zoning is in progress, and that the requesting of discretionary review by neighborhood is the appropriate procedure.

"July 6, 1975: Letter from neighborhood representative (Mrs. Gault) to Department of City Planning regarding rezoning and discretionary review as to the northerly portion of Lot 16. A copy of this letter is provided to each of the Laurel Street neighbors and to Mr. Robert Lilienthal on behalf of PHAN.

"December, 1975: Neighborhood learns from tenants in flats at 316-318 Laurel that flats have been sold, and that new owner wants to convert the two residential units to commercial use.

Neighborhood representative (Mrs. Gault) returns to Department of City Planning to find out if Lot 16 has been split and if the two residential units are sought to be converted to commercial use.

Department of City Planning advises neighborhood representative that there is no record of Lot 16 being split or subdivided. The staff member advises that he assumes there has been no split or subdivision of Lot 16.

Neighborhood representative goes to Central Permit Bureau on McAllister Street to find out whether permit has been applied for to convert the use of the flats from residential to commercial.

The Permit Bureau advises that no permit has been applied for.

"January, 1976: Robert Beach of PHAN discovers that a permit has been applied for to convert 316-318 Laurel from residential to commercial use .

- "January 27, 1976: Neighborhood representative (Mrs. Gault) writes the Department of City Planning on behalf of the neighborhood again requesting discretionary review (and still assuming that lot split or subdivision of Lot 16 has not yet taken place).
- "February 2, 1976: Letter from Department of City Planning to Mrs. Gault advising that the full Commission will consider the request for discretionary review. (Still no notice to neighborhood that Lot 16 has been split or subdivided).
- "February 5, 1976: Letter to Planning Commission from Richard N. Goldman, Director of PHAN, and on behalf of neighborhood and its association, urging that the proposed conversion of 316-318 Laurel Street from residential to commercial use in a residential neighborhood be denied.
- "February 18, 1976: Telephone notice is given neighborhood representative on afternoon of February 18, 1976, that on February 19, 1976 the full Commission would decide whether to grant discretionary review (Still no notice that Lot 16 has been split or subdivided).
- "February 18, 1976: Mr. Passmore of Department of City Planning advises neighborhood representative that he is still unable to provide information as to whether Lot 16 has been split or subdivided.
- "February 19, 1976: After the hearing before Planning Commission, the neighborhood is advised for the first time that Lot 16 was split on July 8, 1975."

Crocker Jones, President of the Presidio Heights Association of Neighbors, submitted photographs which he had taken of the subject building and of the neighborhood. If a case could be made that the building occupying the subject property should be used for medical offices, a similar case could probably be made for similar uses in

other buildings on the block; and he emphasized that it was the responsibility of the Commission to determine how far the commercial district on Sacramento Street should be allowed to penetrate into the residential district on Laurel Street. He also remarked that the side driveway of the subject property is only 10 feet wide; and it would be difficult to use that area for off street parking. He recognized that psychiatrists would not be likely to erect big signs on the property, but if the property were used for some other commercial use in the future, signs might be a problem.

John Lowry, 315 Laurel Street, stated that he had purchased his home eleven years ago and had brought the building up to code standards; and he indicated that most of the other property owners on the street had improved their properties, also. He felt that the chronology which had been recited by Mrs. Gault was most unfortunate. He remarked that he sympathized with the doctors who had purchased the subject property; and he hoped that the doctors sympathized with the concerns of the residents of the neighborhood. While the doctors have an economic interest in their property, residential property owners on the street also have an economic interest in their properties. He emphasized that the subject block of Laurel Street is really quite short; and the conversion of a single lot from residential use to commercial use would thus have a significant impact on the residential character of the block. He was not concerned about the nature of the proposed commercial use; rather, his concern centered on the fact that the use would be commercial and not residential. If the subject property were to be used for any commercial use whatsoever, the neighborhood would have less families and less children. Furthermore, any commercial use would attract clients, customers, employees, and other non-residents to the area. Under such circumstances, the residential character of the block would be undermined. He emphasized that a building across the street from the subject property at 399 Laurel Street is already used for office and houses approximately 10 doctors; and patients visiting those doctors park their automobiles in his driveway even during evening hours. If each of the doctors sees six patients a day, that would mean that approximately 60 patients are visiting the premises each day; and that many patients generate a significant amount of traffic. He remarked that two new commercial buildings are being proposed for the northeast corner of Sacramento and Laurel Streets; and if the upper floors of those buildings were to be used for doctors' offices, as many as 250 to 300 patients might be attracted to the area each day. He felt that such a concentration of doctors' offices in the area would be totally unreasonable. He believed that any competent planner or Commissioner would agree that the subject property should be zoned and used residentially; and he felt that it was extremely unfortunate that Mrs. Gault had been dissuaded from pursuing reclassification of the property in July of last year. The notes on the block

books in the Department of City Planning clearly indicated neighborhood concern in the property dating back to 1960; and he remarked that photo-copies of those notes had been included in the information folder which Mrs. Gault had distributed to members of the Commission. If the new owners of the subject property had bothered to look in the block books, they would have noticed the notes and they would have had a warning that residents of the neighborhood were concerned about the future use of the property. Even though the staff of the Department of City Planning may have been remiss in failing to advise the prospective purchasers of those notations, he continued to feel that the prospective purchasers had not made as thorough an investigation of the property before purchasing it as they should have. On the other hand, he believed that residents of the neighborhood had done everything within their power to indicate their concern about use of the property; and he emphasized that the neighborhood would have pursued reclassification of the property in 1975 if they had not been given a recommendation to the contrary by the staff of the Department of City Planning.

Mrs. Vejar, 310 Laurel Street, read and submitted letters from Nancy G. Schaub, 3511 Clay Street; Lyn Follett, 3508 Clay Street, and Brenda Cheek, 312 Laurel Street. Each of the letters expressed opposition to the proposed use of the subject property. Speaking on her own behalf, Mrs. Vejar stated that she and her husband had purchased their property eleven years ago when it was the most run down house on the block; and they had subsequently renovated the house, painted it, and installed shrubs and trees on the site. Other residents of the neighborhood had done likewise; and a tremendous change has taken place in the block. She urged the Commission to help residents of the block by denying the permit application for the proposed use.

James Gault, 302 Laurel Street, remarked that the doctors who had purchased the subject property have equities on their side and indicated that he was sympathetic with them; and he felt that they could not be faulted for attempting to make a profit by using the property for a commercial use. But he emphasized that residents of the subject block have their equities, also. If the subject lot, as well as the commercially zoned lots fronting on Sacramento Street, is used for commercial purposes, the total depth of commercial use along Laurel Street would be 100 feet; and since the frontage of the entire block has a length of only 255 feet, more than one third of the length of the block would be in commercial use. He felt that that amount of commercial use would be exorbitant, especially given the fragile nature of the residential neighborhood. He remarked that there might be a temptation on the part of the Commission to effect a compromise; but he felt that the interests of the public at large in terms of fostering neighborhood stability was of greater importance than the self interest of either party in the present dispute. In his opinion, the community as whole would be best served if

the Commission were to preserve and maintain the integrity and character of San Francisco's residential communities. He remarked that the Residence Element of the San Francisco Master Plan is an emotional document which encompasses the public interest in fostering the well being of residential elements; and he noted that the generalized existing and proposed land use maps which appear on pages 12 and 13 of that document do not call for commercial uses in the subject neighborhood. He stated that the objectives of the Residence Element of the Master Plan are simple and straight forward and read as follows: "1. Maintain and improve the quality and diversity of San Francisco's residential communities, 2. Increase residential development in certain areas of San Francisco and the Bay Area; 3. Provide maximum housing choice both in the city and in the bay area, especially for minority and low income households; 4. Apply a comprehensive planning approach to programming community improvements and services; and 5. Encourage citizen participation in planning and programming public improvements." In conclusion, he urged the Commission to consider the objectives stated in the Residence Element of the Master Plan in making its decision instead of basing its decision on the economic self interest of the parties involved.

Robert Beach stated that he was Chairman of Zoning Activities for the Presidio Heights Association of Neighbors in the 1960's indicated that block books in the Department of City Planning carry a notation on the subject property to check with him regarding possible discretionary review of any uses proposed for the subject property. If that notation had not been overlooked by the staff of the Department of City Planning, the matter would never have had to come before the Commission. He indicated that Mr. Passmore of the staff of the Department of City Planning had recently acknowledged that there is no question but what the property should be zoned for residential use; and an application for reclassification of the property would have been brought before the Commission last year if Mrs. Gault had not been given misleading advice by other members of the staff. Under present circumstances, no matter what action is taken by the Commission someone, either the neighborhood or the doctors, will suffer. However, if the application is approved, residents of the neighborhood will have no means of protecting themselves; but if the permit were denied, the doctors, who had purchased the property for money, would be able to sell it for money. Furthermore, if the doctors were forced to sell the property at a loss, they might have a legal claim against the city.

At 4:35 P.M. President Lau announced a ten minute recess. The Commission reconvened at 4:45 P.M. and proceeded with hearing of the Laurel Street matter.

Dr. Ormeland, one of the owners of the subject property, introduced his associates who were present in the meeting room. He stated that the subject property had been on the market for a number of months; and if residents of the neighborhood were so concerned about the future use of the property, he felt that they should have purchased it themselves. When he had phoned the realtor about the property in July, 1975, the realtor had made it absolutely clear that the entire parcel of property was zoned for commercial use. In reply to a question raised by Commissioner Starbuck, he stated that the "for sale" sign did not indicate the zoning of the property. Even though the realtor had assured him that the property was zoned C-2, he had made a point of checking with the staff of the Department of City Planning who confirmed that the property was zoned C-2 and that doctors' offices would be a permitted use of the site. He had also checked with the Bureau of Building Inspection to determine what changes in the building would be required for medical office use. At that point, he had discovered that the owner of the property intended to construct new commercial buildings on the portion of the property fronting on Sacramento Street; and he had been concerned about that development proposal since the rear of those buildings would be located only 10 feet from the front of the building on the subject property. After discussions, he had entered into a contract with the owner of the property whereby he would be given authority to pass on the design of the rear portion of those buildings. The negotiation of that contract had been expensive; and he emphasized that the agreement which had been made would ultimately protect not only his own property but other properties on Laurel Street as well. At that point, he had taken an option on the property. An architect was hired to prepare plans for the remodeling of interior of the building; and those plans were reviewed by the Department of City Planning and the Bureau of Building Inspection in September and October. He then hired a contractor; and, after the contractor had checked again with the Department of City Planning and the Bureau of Building Inspection and was satisfied that the project was both legal and feasible, he had purchased the property. He stated that he had cooperated to the fullest extent with the city agencies involved; and he emphasized that the cost of the property was very much related to the commercial zoning designation. He assured the Commission that the property would be preserved essentially in its present form with no exterior changes being contemplated. The doctors who would occupy the building have part-time jobs and would not conduct full-time practices within the building. He noted that the front of the building will be only 10 feet away from the rear portion of the new commercial buildings to be constructed on Sacramento Street; and, since the windows in virtually every living room in the building will face the wall of the commercial building, he felt that the building will no longer be suitable for residential use. However, the building would still be suitable for doctors' offices since

psychiatrists do not mind shaded windows. He stated that psychiatric practice does not generate a great deal of traffic. In any case, the one hour parking meters on Sacramento Street would serve the needs of patients who use their automobiles for transportation to the site; and arrangements would be made for off-street parking spaces for members of the staff. He believed that denial of the subject permit application would be tantamount to reclassification of the property; and such an action would undermine the community's reliance on the integrity of zoning, including the integrity of residential zoning. He stated that he and his associates would like to become the neighbors of the individuals who had spoken in opposition to their proposal; and he hoped that the permit application would be approved by the Commission.

Commissioner Bierman asked who Dr. Ormeland had spoken with when he had visited the Department of City Planning in July, 1975. Dr. Ormeland replied that he had spoken with Mr. Steele.

Commissioner Dearman inquired about the proposed use of the interior of the building. Dr. Ormeland replied that the initial occupancy would be by five psychiatrists in one flat. Subsequently, when the current lease on the second flat expires, three additional psychiatrists may be added for a total of eight.

Commissioner Starbuck asked Dr. Ormeland to comment on how much weight he felt that the Commission should give to the economic equities involved. Dr. Ormeland replied that people do buy property with a certain confidence in the integrity of zoning; and he emphasized that he had not been attracted to the subject property because the building has a commercial appearance but because the building is a residential structure which happens to be in a commercial zone. Those circumstances made the property ideal for the proposed use. He emphasized that the property has always been zoned for commercial use; and he had paid for commercial property. If the subject permit application were to be denied, the Commission would, in effect, be rezoning the property.

Commissioner Bierman, noting that Dr. Ormeland had stated that three off-street parking spaces would be provided on other property in the neighborhood for the psychiatric staff, asked where the other five psychiatrists would park. Dr. Ormeland replied that they would have to make their own parking arrangements; but he noted that at least one of the psychiatrists is on the staff at Children's Hospital and would probably park his automobile at that location.

Commissioner Mellon asked how much had been spent to date on planning and architectural work for the proposed office building. Dr. Ormeland replied that approximately 10,000 dollars had been spent for such work.

Commissioner Rosenblatt asked Dr. Ormeland if he could give the Commission an estimate of the number of patients who might be expected to visit the eight psychiatrists in the building on an average day.

Dr. Satten, an associate of Dr. Ormeland, stated that he had calculated that the three psychiatrists who were presently involved in the project would generate a demand for approximately 60 patient hours of on-street parking space per week. At the same ratio, eight psychiatrists would probably generate a demand for approximately 140 patient hours of on-street parking per week. He stated that Dr. Ormeland is an analyst, Dr. Hayes is a child psychiatrist, and that he is an analyst specializing in work with families and couples; and he indicated that their intention was to recruit other psychiatrists who have a motivationist point of view to the building rather than psychiatrists who deal in drugs, shock therapy, etc. He emphasized that their patients are physically healthy and are capable of walking. He felt that the proposed use of the subject building would serve as a buffer between the new commercial buildings on Sacramento Street and the residential district to the north; and, while representatives of the neighborhood appeared to be of the opinion that any type of residential use would be preferable to the proposed office use, his own personal feeling was that the proposed use might be preferable to conversion of the building into three or four flats, the occupants of which might have from one to three cars each. He stated that he and his associates wished to be part of the neighborhood; and they did not feel that the proposed use would be detrimental to the residential quality of the area.

Robert Elkus, an attorney and part owner of the subject property, felt that the doctors' concern for protection of the neighborhood was evidenced by the fact that they had obtained a contract giving them authority to determine what materials should be used for the rear of the new commercial buildings and establishing restrictions with regard to noise and odor emission. He felt that those restrictions would benefit the entire neighborhood. Whereas Mr. Gault had remarked on the fact that there was a 100 foot encroachment of commercial use on the subject block of Laurel Street north of Sacramento Street, he pointed out that the subject property accounts for only 25 feet of that commercial frontage; and, in view of the fact that the property has been zoned commercial for many years, he did not feel that the proposed use could be regarded as an "encroachment". In conclusion, he stated that he felt that denial of the permit application would, in effect, constitute a rezoning of the property.

Commissioner Dearman asked when the subject property had, in fact, been separated from the commercial property fronting on Sacramento Street. Mr. Passmore replied that the subdivision had been recorded with the Recorder's office on July 8, 1975.

Commissioner Rosenblatt asked if permits for the construction of the new commercial buildings on Sacramento Street had been filed. Mr. Passmore replied in the affirmative, indicating that they had both been approved by the Department of City Planning; however, based on a call to the Central Permit Bureau on the previous day, they had not been issued by the city. In response to a further question raised by Commissioner Rosenblatt as to when those permit applications had been received, Mr. Passmore stated that one had been received in December and the other in January.

Commissioner Rosenblatt then asked if the staff would have looked at the notation in the block book when those applications were being reviewed. Mr. Passmore replied that it was likely that the plan checker would have seen the notations; however, he indicated that he had not personally been involved with the matter until the request for discretionary review had been filed by Mrs. Gault. He acknowledged that the notation with regard to discretionary review should have been noticed by someone on the staff. However, that person might have thought that the note had been put in the book because of the possibility of constructing 42 residential units above ground floor commercial space on the property; and, if so, that person might have felt that the notation did not apply to the small commercial buildings which were being proposed.

Commissioner Rosenblatt suggested that it might be wise to instruct the plan checkers that they should not make such decisions on their own and that any notations flagging properties for whatever reason should be discussed with other members of the staff or brought before the Commission for consideration. He then asked what would have been the status of the proposed use if the subject property had in fact been rezoned to R-1 last year. Mr. Passmore replied that R-1 zoning would permit a single doctor's office only if it were an accessory use to the doctor's own residence. Conditional use authorization for doctors' offices can be granted only in R-4 or R-5 districts.

Commissioner Bierman asked about the amount of money which had been paid for the property. Dr. Ormeland replied that the property had been purchased for \$135,000. In order to improve the fire and seismic safety of the building, he and his associates intended to spend \$65,000 to \$75,000 to remodel the building.

Commissioner Bierman then stated that it was clear to her that residents of the neighborhood had been concerned about the use of the subject property since 1965 since notes had been entered in the block books at the Department of City Planning at that time; and they have been actively concerned about the use of the property since July, 1975.

Edward I. Murphy, Acting Director of Planning, made the following recommendation:

"There are equities on both sides in this case. Unfortunately the staff inadvertently misled both Mrs. Gault and the applicants for the building conversion. Last year when Mrs. Gault wanted a reclassification of this property to a residential zone she should not have been discouraged from doing so. Similarly when the applicants inquired before they purchased the property if the intended use met present zoning regulations, they should have been informed of the neighborhood concern regarding this lot.

"The staff is in agreement that this lot fronting on Laurel Street should be in a residential zoned and will so recommend in the residential zoning study. But what about the applicants who in good faith purchased commercially zoned property for the intended use of converting the two dwelling units into some 8 psychiatric offices? I feel that a compromise solution would be equitable to both sides, that is that one dwelling unit be retained, this is in accordance with the policies of the Residential Element of the Master Plan, and that the remainder of the building be converted to not more than 5 psychiatric offices. I understand that the applicants are intending to do this in the initial phases of their project as there is a lease still running on one of the dwelling units. I have a draft resolution for the Commission's consideration."

For the purpose of discussion, Commissioner Finn moved that the draft resolution be adopted. The motion was seconded by Commissioner Mellon.

Dr. Ormeland stated that it would be impossible to use half of the building for offices and the other half for residential purposes because of the extensive renovation of the entire building which would have to be carried out in order to meet fire and seismic safety standards if only a portion of the building were to be used for offices. He emphasized that he would not support the compromise because it would be economically unfeasible and not because he was opposed to effecting a compromise.

Commissioner Finn, noting that it was likely that the subject property would be reclassified for residential use during the course of the Residential Zoning Study, asked how such a reclassification would affect Dr. Ormeland's occupancy of the building. Mr. Passmore replied that any offices legally existing in the building at the time of the reclassification would become nonconforming uses which might later be changed to conditional uses.

Commissioner Dearman asked Dr. Ormeland what compromise he would be willing to offer. Dr. Ormeland replied that he was prepared to give assurances that the quality of the neighborhood would not deteriorate if the proposed office use were authorized. The proposed office building would act as a buffer between the new commercial buildings on the south and the residential districts to the north. He did not intend to change the exterior appearance of the building in any way. The doctors occupying the building would not be allowed to sub-lease their offices for use by other doctors when they are not on the premises. Finally, he indicated that he would consider reducing the number of offices in the building to seven rather than eight. He felt that those commitments represented a substantial compromise.

Mr. Jones stated that he did not see how a compromise could possibly be effected during the course of the present meeting.

President Lau asked Dr. Ormeland if he and his associates had met with residents of the neighborhood to discuss the issue. Dr. Ormeland replied that no formal meeting had been held. However, he indicated that he had approached neighborhood representatives on two occasions and had asked if they would be willing to discuss a compromise; and they had replied in the negative.

Dr. Satten explained that residents of the neighborhood had taken the point of view that a matter of principle was involved; and for that reason they were unwilling to consider a compromise.

Commissioner Bierman asked Dr. Ormeland to expand on his reasons for being unwilling to accept the compromise suggested by Mr. Murphy. In response, Dr. Ormeland stated that the entire building would have to be totally rehabilitated to meet current fire and seismic safety requirements if any portion of it were to be used for offices; and the cost of those improvements would make it economically infeasible to retain one of the units in residential use. Mr. Elkus explained that the rent commanded by a residential unit would not support the cost of the rehabilitation project. He stated that the second residential unit has two bedrooms which are in the basement and cannot be used because of their limited ceiling height; and, as a result, he regarded the apartment as a "token" residential unit with only one bedroom.

Dr. Ormeland corrected his previous statement regarding the cost of the renovation program. He stated that the figure which he had mentioned previously would only cover the first stage of the renovation; and an additional \$40,000 would be spent when the second apartment is vacated.

Mrs. Gault stated she had briefly discussed the possibility of a compromise with Dr. Ormeland outside the Commission's meeting room after last week's meeting; and she had indicated that she could not make any commitment without discussing the matter with other residents of the neighborhood. During the interim she had discussed the possibility of a compromise with her neighbors; and, based on those discussions, she advised the Commission that the compromise which had been recommended by Mr. Murphy would not be acceptable. The position of residents of the neighborhood was that the subject building should be used exclusively for residential purposes and, by way of compromise, they would be willing to accept as many as four dwelling units in the building.

Commissioner Bierman emphasized that residents of the subject neighborhood had demonstrated their interest and concern in the subject property to the maximum extent possible over a long period of time; and she sympathized with their objection to the proposed use of the subject building for medical offices, especially since there was no way of knowing how many patients might visit the building in the future if the use were authorized by the Commission. If residents of the neighborhood had insisted that residential use of the building be limited to two units, she felt that the Commission would have been faced with an almost impossible situation. However, residents of the neighborhood had indicated that they would be willing to accept conversion of the building to four residential units; and she felt that compromise should be pursued. Under the circumstances, she intended to vote against the compromise which had been recommended by Mr. Murphy.

Commissioner Finn stated that he was concerned about the Commission's legal authority to deny the permit since such a denial would have the effect of reclassifying the property. Mr. Passmore stated that the Commission has the legal authority to exercise its own discretion in reviewing the permit; and the options available to the Commission were to approve the permit, to disapprove the permit, or to require modification of the permit. However, he emphasized that a City Attorney's opinion, which had been rendered in 1954 had cautioned that the Commission's discretion is a very sensitive one which must be exercised with the utmost restraint.

Mr. Murphy stated that he felt that the Commission would be in a better legal position if it were to accept the compromise which he had recommended. He noted that the applicant had taken the position that the compromise would not be economically feasible; and, if that were true, it was likely that he would dispose of the building if the compromise were imposed, allowing it to be retained in residential use.

Commissioner Bierman stated that she would still be troubled by the compromise since it would imply that the Commission was condoning office use of the property. Mr. Murphy agreed that the Commission would be condoning the use but only because of the very special circumstances of the case.

Mr. Elkus remarked that a review of plans which had been prepared for renovation of the building would demonstrate that a very modest use of the space in the building was being proposed. He regarded the proposed use as the lowest density commercial use which might be expected to take place on the site; and, therefore, if the Commission were to disapprove the permit application for the proposed use, he felt that the Commission would effectively be rezoning the property for residential use.

Mr. Jones emphasized that official records had provided warnings of neighborhood concern about the use of the subject properties since 1965; and any prospective purchaser of the property would not have had to go far below the surface to become aware of those warnings. Under the circumstances, he urged the Commission to exercise its sound discretion and disapprove the permit application with the understanding that the owners of the property would still have the right of appeal to the Board of Permit Appeals. In conclusion, he stated that he would have been very suspicious about the commercial zoning of the property if he had been a prospective purchaser.

Mr. Beach stated that the staff compromise, allowing one of the units in the building to be used for medical offices, would result in a situation akin to being "a little bit pregnant". He urged the Commission to turn down the staff recommendation and then to deny the permit application. The owners of the property could then make an appeal to the Board of Permit Appeals.

Dr. Ormeland remarked that residents of the neighborhood could take an appeal to the Board of Permit Appeals if the permit application were to be approved; and he felt that the onus should not be placed on him and his associates. He felt that Commissioner Bierman misunderstood the nature of the proposed use; and he explained that the building would house only doctors and no secretaries or other staff. In effect, the use would be comparable to eight private studies.

When the question was called, the motion failed by a vote of 1 to 6. Commissioner Mellon voted "aye"; Commissioners Bierman, Dearman, Finn, Lau, Rosenblatt and Starbuck voted "no".

Subsequently, it was moved by Commissioner Finn and seconded by Commissioner Rosenblatt that the permit application be approved. Commissioner Rosenblatt stated that he wished that he did not have to vote on this matter. The building has the appearance of a residential building; and it has always been used residentially. He had no doubt that it should have been rezoned sometime ago. The staff of the Department of City Planning had been negligent and had made errors; and those mistakes had made the issue unique. Yet, if the permit application were to be denied, the Commission would, in fact, be rezoning the property; and he questioned whether that would be a legal exercise of the Commission's discretion. Furthermore, the Commission's action would establish a precedent; and, if all permits coming before the Commission in the future should be subject to the Commission's discretion, the effect would be a denial of the process of law as we presently know it.

Commissioner Bierman stated that the issue before the Commission was whether eight medical offices would be appropriate in the subject building on the subject site; and if the Commission were to approve the permit application, it seemed to her that the Commission would, in effect, be saying that its judgment was that occupancy by eight medical offices would be an appropriate use of the site. She felt that certain of the "whereas" clauses in the draft resolution which had been prepared by Mr. Murphy should be modified and that the "resolved" clause of the resolution should be changed to read as follows: "Therefore be it resolved, that the City Planning Commission finds that the public necessity, convenience, and general welfare require that building permit application No. 455531 be disapproved". She then offered a substitute motion that the draft resolution, with the changes which she had suggested, be adopted and that the permit application be disapproved. The substitute motion was seconded by Commissioner Dearman.

Commissioner Finn stated that Commissioner Rosenblatt had ably expressed his concerns relative to the issue before the Commission. Regardless of the errors which might have been made by the staff, the property is zoned commercially and was purchased for commercial use; and, while the building could probably have been used for ten or more medical offices, only eight offices were being proposed. He stated that he definitely shared the concerns of residents of the neighborhood; and he hoped that the property would be reclassified for residential use during the course of the Residential Zoning Study. However, in weighing the equities on both sides of the issue and in view of the fact that the compromise recommended by Mr. Murphy was not acceptable to either party, he felt that the best action for the Commission to take would be to approve the application.

When the question on the substitute motion was called, the motion failed by a vote of 3 to 4. Commissioners Bierman, Dearman, and Starbuck voted "aye"; Commissioners Finn, Lau, Mellon, and Rosenblatt voted "no".

Commissioner Starbuck stated that he did not feel that disapproval of the application would have actually constituted a rezoning of the property; but the implication of rezoning might have existed nonetheless.

As he interpreted the role of the Commission, it was to determine whether the proposed occupancy of the subject building by eight medical offices would be an appropriate commercial use for the commercially zoned property; and the Commission might have been abusing its power if it had denied the permit application in its entirety.

Commissioner Mellon agreed and indicated that that was the reason why he had voted against the motion to disapprove the permit.

Commissioner Bierman asked the staff if the Commission, in conducting a discretionary review, has the authority to consider the effect which a commercial use might have on adjacent housing. Mr. Passmore replied that the Commission's discretionary review authority is not spelled out in great detail but is one which should be confined to reasonable limits.

Mr. Jones stated that he could see no purpose in the discretionary review process if it could not be applied in instances such as the one presently under consideration where a commercial use was being proposed in a residential neighborhood.

Commissioner Bierman felt that it would be shocking for the Commission to approve the permit application for a commercial use after the neighborhood had clearly been record since 1965 in terms of its concern about the use of the subject property; and she did not feel that the mistakes which had been made by the staff should deter the Commission from exercising its responsibility to protect the character of the subject residential neighborhood.

President Lau stated that he personally hoped that Dr. Ormeland and his associates could be persuaded to meet with representatives of the neighborhood to discuss the possibility of a compromise before final action is taken on this matter by the Commission.

Commissioner Rosenblatt stated that he, also, would favor taking the matter under advisement both for the purposes suggested by President Lau and for the purpose of delving further in the legal limits of the Commission's discretionary review authority.

Based on the suggestions made by President Lau and Commissioner Rosenblatt, Commissioner Finn withdrew his motion. Commissioner Rosenblatt withdrew his second.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman and carried unanimously that this matter be taken under advisement until the meeting of March 11, 1976.

The meeting was adjourned at 6:10 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Special Meeting held Monday, March 1, 1976.

The City Planning Commission met pursuant to notice on Monday, March 1, 1976, in the 3rd Floor Auditorium of the John Adams Adult School at 1860 Hayes Street at 7:30 p.m.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: James J. Finn, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Lucian Blazej, Planner IV; Daniel Sullivan, Planner IV (Zoning); Linda Ferbert, Planner II; Ralph Gigliello, Planner II; and Lynn E. Pio, Secretary.

Maitland Zane represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

PUBLIC HEARING ON "MT. SUTRO COMMUNITIES MASTER PLAN -- INSTITUTIONAL EXPANSION ELEMENT."

President Lau made the following opening remarks:

"Before the Commission tonight is a plan prepared by a group of neighborhood organizations from the Mount Sutro area dealing with institutional expansion. This plan was presented to the previous Planning Commission in October of last year. At that time, community organizations requested that the Planning Commission hold a public hearing. He also requested that the Commission consider endorsement of the policies. The Commission agreed to hold a public hearing on the plan, and that hearing is scheduled for tonight.

"I would like to first call on representatives from the Mount Sutro community to present their proposal."

Calvin Welch, a member of the Coordinating Board of the Haight-Ashbury Neighborhood Council, stated that the Mt. Sutro Communities Master Plan for Institutional Expansion had been submitted to the City Planning Commission in 1975 after a long process of study and work involving a number of neighborhood organizations. Preparation of the plan had been motivated by the extraordinary amount of institutional growth in the area surrounding Mt. Sutro in recent years. The area has eleven major institutions, three of which had been involved in large development projects during the last ten years. As a result of those projects, many additional people and automobiles had been attracted to the neighborhood; and at least 150 units of low-and moderate-cost housing had

been lost. After the plan had been completed, it had been reviewed by the Neighborhood Environmental Caucus, the San Francisco Community Congress, and the San Francisco Comprehensive Health Planning Council; and it had been reviewed and endorsed by the Coalition for San Francisco Neighborhoods. During the process of preparation of the plan, the institutions in the area had expressed no concern about the plan; and, in fact, representatives of the University of California Medical Center had praised the plan and had indicated that they had used it in the preparation of their own master plan. Yet, in an open letter dated February 23, 1976, Francis A. Sooy, Chancellor of the University of California Medical Center, had openly criticized the plan, claiming that the policy of limiting institutions to the present structural envelope overlooked the problems of deterioration and delivery of health care. It was apparent to him that the change in attitude on the part of the medical center had been occasioned by the advent of the new mayoral administration and the appointment of a new Planning Commission, factors which are expected to change the role of neighborhood organizations in the planning process. Previously, the medical center had touted citizen involvement; but now that neighborhood people have more power, the medical center is taking the position that master planning is a threat to their existence.

Anna Darden, President of the Haight-Ashbury Neighborhood Council; read and submitted the following prepared statement:

"My name is Anna Darden. I am President of the Haight Ashbury Neighborhood Council. The Neighborhood Council has played an active role in the development of the Mt. Sutro Master Plan before you today, and we have long been concerned about the problems created by institutional expansion in our neighborhood.

"The Mt. Sutro Master Plan is the product of a 15-month process beginning in March 1974. It went through several drafts in the fall of '74, and the final draft was prepared in December of that year. In January, February and March of 1975 the Plan was endorsed by the following community groups:

"The Coalition for San Francisco Neighborhoods (which includes all 23 of the Coalitions member organizations)

Forest Knolls Neighborhood Organization

Haight Ashbury Neighborhood Council

Inner Sunset Action Committee

Parnassus Heights Association

SPEAK

Stanyan-Fulton Association

Edgewood Neighborhood Association

Woodland Avenue Association

Eureka Valley Promotion Association

San Francisco Tomorrow

"In October of last year, 8 of the presidents of these neighborhood associations presented this Mount Sutro Master Plan to the Planning Commission with a request for a hearing.

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"We are asking that the Planning Commission adopt this plan as policy and as guidelines for considering further institutional expansion plans for this area as they come before you.

"The area covered by this Plan is bounded by Geary and Portola on the north and south, and by Dolores and 10th Avenue on the east and west. Within this area are the following eleven institutions:

Lone Mountain College
Lincoln University
University of San Francisco
Beverly Manor Convalescent Hospital
Hillhaven Lawton Convalescent Hospital
St. Mary's Hospital
Harkness Hospital (now defunct, but with possible future institutional use)
Franklin Hospital
St. Joseph's Hospital
UCSF Hospital
Laguna Honda Hospital

"Since 1960, 5 million square feet of buildings have been constructed by these institutions, as well as structures for parking over 2,000 cars. Every day 20,000 people come into our community to these institutions. Institutional construction has demolished 150 housing units and an additional 110 units have been or are now threatened with demolition.

"These figures demonstrate the extraordinary growth of institutions in the Mt. Sutro community, most of it by only four institutions:

St. Mary's Hospital
UCSF
Franklin Hospital
University of San Francisco

"We come before you today to state very clearly that we have had enough of this institutional expansion in our neighborhoods. This growth has had an extraordinary impact on our neighborhoods, and not just in lost housing units and overcrowded streets. For example, when McDonalds came in on Stanyan and Haight, they said one of their reasons for choosing that location was the presence of these large institutions in the neighborhood.

"And right now we are faced with the destruction of 35 units of housing for a hotel planned for the hill just below UCSF -- a hotel which the developer claims as its main feature the ability to house medical patients and the families of medical patients at that institution.

"We know that further expansion is planned by these institutions. The current UCSF Master Plan calls for 10 years of new building construction, including five major new buildings on Mt. Sutro.

"It is our position--and we hope it will be yours--that there should be no more growth on these site, that these neighborhoods are already impacted by institutions. We propose that these institutions be limited to their present structural envelope; and that any further construction by these institutions be decentralized, located in other parts of the city; and we propose that the need for institutional expansion would be greatly decreased by a pooling of resources and facilities among themselves.

"What we are saying is that there are other solutions to the space needs of these institutions than the continued expansion in the Mt. Sutro communities. The Master Plan we present here to you is the product of major research and study by residents of all the neighborhoods affected by these institutions, and it has unprecedented support among the neighborhood associations of the area.

"We urge that you adopt this Mt. Sutro Master Plan as Planning Commission policy, and that it be used as the basis for consideration of future expansion plans by the institutions of the Mt. Sutro community."

John Bardis, representing the Inner-Sunset Action Committee (ISAC), stated that residents of the subject neighborhood had done a great deal to improve their area in recent years; and a "renaissance" has resulted. However, the one thing which has eluded them up to this point has been the problem of institutional expansion. In fact, neighborhood organizations had been forced to resort to litigation to stop St. Mary's Hospital from using eminent domain powers to acquire privately-owned residential properties for construction of an office building; and litigation had also been used to tie up in the courts two projects proposed by the University of California Medical Center. In an effort to take a more positive approach, various neighborhood organizations in the area had joined together to prepare a position statement on the goals and policies of the community; and what had emerged was the Mt. Sutro Communities Master Plan for Institutional Expansion. He regarded the plan as a neighborhood "Christmas tree list"; and he remarked that neither other individuals or institution should presume to tell the community what should be on its "Christmas tree list". In conclusion, he stated that he hoped the Commission would support the plan.

Kay Fields, Chairman of the Board of Directors of the Forest Knolls Neighborhood Association, advised the Commission that people working at the University of California Medical Center have been parking on Clarendon Avenue, Christopher Street, and other streets in her neighborhood, traveling on to the medical center by shuttle bus; and she remarked that use of those streets for parking was not covered in the Environmental Impact Report which had been prepared for the University of California's Master Plan. She stated that Forest Knolls is the last suburban development within the City of San Francisco, being a neighborhood which is almost entirely surrounded by a "green belt"; but a major portion of that "green belt" is owned by the University of California. The University of California had agreed to preserve a portion of the "green belt" for a period of twenty-five years; but they had reserved the only usable portion of that "green belt" area, consisting of approximately $7\frac{1}{2}$ acres, for development. She

stated that neighborhood organizations in the area had had to unify themselves in order to make their voices heard; and she hoped that the Commission would understand their concerns as expressed in the Institutional Expansion Master Plan.

At this point in the proceedings, Commissioner Starbuck arrived in the meeting room and assumed his seat at the Commission table.

Jude Laspa, President of the Eureka Valley Promotion Association and a spokesman for the Buena Vista Neighborhood Association, advised the Commission that two major institutions, St. Joseph's Hospital and Franklin Hospital, exist within the boundaries of the organizations which he represented. Those institutions had brought traffic and parking problems to the neighborhood; and Franklin Hospital has proposed construction of a heliport on its property which would result in even worst problems for the neighborhood. He stated that institutions have tended to provide very little opportunity for public involvement in their planning projects; and, for that reason, he hoped to see the basic philosophies expressed in the Mt. Sutro Communities Master Plan for Institutional Expansion brought into some sort of consensus and given status as public policy. He felt that the growth of institutions in the subject neighborhood should be limited and that future growth of those institutions should be directed to other neighborhoods with a greater need for medical services; and future institutional development in the subject neighborhood should be commensurate with what people residing in the neighborhood want.

Douglas Engmann, President of the Stanyan/Fulton Street Association and a representative of the Coalition for San Francisco Neighborhoods, advised the Commission that the Coalition had endorsed the Mt. Sutro Communities Master Plan for Institutional Expansion. He stated that institutions in the neighborhood have tended to do very little master planning; and when they have, they have done it badly. St. Mary's Hospital, for example, has come forward with a number of plans since 1960 which involved constantly varying amounts of property in the neighborhood; and, in fact, the master planning of that institution was so poor that it constructed a \$1,000,000 nursing residence in 1963 which was torn down six years later. Given such circumstances, people have speculated in properties in the vicinity of institutions, buying them with the hope of selling them to the institutions at a later date. Such properties are generally allowed to deteriorate; and residential properties owned by the institutions are allowed to deteriorate, also. Under the circumstances, he thought that it was essential that an Institutional Expansion Master Plan be adopted by the City Planning Commission so that everyone, including institutions, neighborhood organizations, real estate agents, and private citizens will know what the perimeters are and stop the process of speculation. He stated that St. Mary's Hospital had demolished more than one hundred dwelling units and had used the power of eminent domain on two occasions; and its expansion in recent years has turned what was once a small and pleasant hospital into a "factory". Those actions have had substantial negative impact on the neighborhood. People have asked why the neighborhood continues to be concerned when it appears that the expansion of St. Mary's Hospital has been stopped in the courts; but the hospital is still contemplating construction of a hotel,

nurses' housing, a commercial area, and other facilities in the future. The Mt. Sutro Communities' Master Plan for Institutional Expansion had been prepared to stop that expansion. He expected that some of the individuals who would address the Commission during the course of the public hearing would contend that the groups which had prepared the master plan were opposed to good health care; and he denied that that was the case. The real thrust of the master plan would be to encourage the institutions to undertake future expansion projects in neighborhoods which are in need of good health care services. The San Francisco Comprehensive Health Planning Council had determined that the office building which St. Mary's Hospital had proposed to construct would actually have a detrimental effect on good health care in San Francisco since it would have drawn doctors out of the Mission district where they are needed into the subject neighborhood which has an abundance of doctors.

Luisa Esquerro stated that she was representing several organizations who wished to go on record in support of the Mt. Sutro Communities' Master Plan for Institutional Expansion. She then read a letter which had been addressed to the Commission by John W. Bourne, Executive Director of the Mission Housing Development Corporation, as follows:

"As Director of the Mission Housing Development Corporation, I have always been intent in the improvement of the environment and services within our Mission community. I am sincerely sorry that due to a previous commitment I am unable to attend your meeting this evening.

"However, I respectfully submit to you and the Commissioners the possibility of using the abandoned Redlick, Lachman Bros. or Sears Roebuck stores as possible sites for future expansion of medical and dental facilities. The accessibility of these services to our community people could greatly improve their condition and the job opportunities which these facilities could bring will be another stepping stone towards the improvement of the Mission district.

"I trust that you will give due weight to the possible use of these sites as you make your decision."

Subsequently, Ms. Esquerro read the following letter which had been addressed to the Commission by Mr. Bourne in his capacity as Chairman of "Save our Sears Store":

"I am sorry that I am unable to attend your hearing tonite due to a previous commitment. However, I do wish to voice my support for the extension of medical and dental facilities into the various communities where those services are most needed and as Chairman of the Save our Sears Committee, I would like to suggest the possible use of the abandoned Sears Roebuck Store at Army and Mission St. as a possible site for this expansion.

"As a person interested in the revitalization of the Mission district, I am certain that the presence of such a facility within our community would greatly improve the opportunity for jobs as well as provide the necessary medical and dental services which are so urgently needed for the people of the Mission community.

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"I trust that you and the balance of the commissioners will give due consideration to the possible use of this building as you make your decision."

Ms. Esquerro stated that the Mission Planning Council had been in touch with the Chancellor of the University of California Medical School since 1965, urging him to find a suitable site in the Mission district for a dental clinic; and buildings such as the vacant Sears Store and the vacant White Front Store had been suggested. She reminded the Commission that a dental school had previously been located in the Mission district at 14th and Valencia Streets; and that property is now a vacant lot. She then read a letter which had been addressed to the Commission by Toby Levine, President of the Mission Planning Council, as follows:

"The Mission Planning Council would like to go on record with the Planning Commission as encouraging the decentralization of the dental facility of the University of California Medical Center to a site in the Mission District.

"We feel that the minimum criteria for the establishment of the dental facility at a site in our community are the following:

- (1) Suitable space
- (2) Suitable transportation and parking access
- (3) Full disclosure of future expansion plans and planning to see that this expansion is in conformity with the existing character of the surrounding neighborhood.
- (4) That the university officials sign an agreement with community representative groups detailing how they will mitigate the negative impacts of this development on the surrounding neighborhood concerning the points of both client and employee parking and future expansion.
- (5) The university will agree to work with Mission groups involved in job development and recruitment to make every attempt to utilize them in the recruitment of future employees for the dental facility.

"The MPC has been in communication with Dr. Sooy, Chancellor of the U.C. Medical Center and we have indicated our willingness to sit down and discuss the potential sites we think exist in the Mission and offer an excellent location for the dental facility. These sites are: The Sears site at Army and Mission; the old S.F. General Hospital Complex and the White Front site at 16th and Potrero.

"We support the efforts of the Mount Sutro Coalition to decentralize the U.C. Medical Center into other neighborhoods where they are needed and wanted."

Robert Covington, representing the San Francisco Black Political Caucus, stated that he had worked on the Mt. Sutro Communities' Master Plan for Institu-

tional Expansion when he was a resident of the Haight-Ashbury District. He indicated that he did not agree with all of the objectives and policies in the plan; but he felt that the plan reflected concerns which the Black and Third World communities have been talking about for years. The plan offered opportunities for citizen participation in the development of their neighborhoods; and he felt that the plan was definitely a step in the right direction. He indicated that he supported the plan because it had been developed by people who live in the subject neighborhood.

John H. Teitscheid, representing Golden Gate University, acknowledged that Golden Gate University is not directly affected by the Mt. Sutro Communities' Master Plan for Institutional Development since it is not located in the Mt. Sutro area. However, there is a spirit of cooperation among the various institutions in San Francisco; and, further, he anticipated that the objectives and policies reflected in the Mt. Sutro Plan might eventually be applied throughout the city. He stated that he did not regard the Mt. Sutro Plan as a master plan but only as a part of a master plan; and he felt that the Commission should focus its attention on adoption of objectives and policies of a city-wide nature rather than applying separate standards to separate neighborhoods of the city.

Frances A. Sooy, Chancellor of the University of California, San Francisco, stated that he regarded the Mt. Sutro Communities Master Plan for Institutional Development as a good beginning for a cooperative dialogue between institutions and neighborhoods; but he indicated that he opposed for the same reasons mentioned by Mr. Teitscheid -- it is a fragmented plan directed at a specific area of the city dealing with issues which should be approached on a city-wide basis. He regarded the plan as a threat to institutions and businesses in San Francisco; and he felt that it was unfortunate that the plan had been presented at a time when businesses and industries are leaving San Francisco. He emphasized that the University of California Medical Center is an important institution and that it provides jobs and health care for the community. The proposed plan would prevent the medical center from replacing deteriorated, ugly and inadequate buildings; and it would require the medical center, in hiring personnel, to give preference to residents of the subject community. He stated that the medical center approves of the concept of institutional master planning; and he emphasized that the medical center had developed a master plan for its own campus. The medical center had established firm campus boundaries; and it had committed itself to preserve Mt. Sutro as open space for at least twenty five years. The medical center had also agreed to restore houses which it owns to residential use as soon as two pending projects are completed. The medical center had worked closely with city agencies to mitigate traffic and parking problems in the subject neighborhood; and it had obtained funds for development of a large dental clinic at San Francisco General Hospital in the Mission district. In conclusion, he emphasized his firm belief that implementation of the Mt. Sutro Plan would prevent the Medical Center from modernizing and bringing its facilities into conformance with health codes. For a while, the medical center would be able to struggle along; but eventually institutions such as the medical center would "wither and die".

Commissioner Bierman remarked that different neighborhoods are affected differently by institutional expansion; and she questioned why Dr. Sooy was opposed to handling such problems on a neighborhood by neighborhood basis. Dr. Sooy re-

plied that he felt that San Francisco's problems should be dealt on a city-wide basis and that hospitals and institutions in the subject neighborhood should not be regarded differently from businesses and industries in other parts of the city.

Commissioner Dearman inquired about the cost of the University of California Medical Center's Master Plan. Dr. Sooy replied that the preparation of the plan had cost approximately \$200,000.

Commissioner Starbuck asked Dr. Sooy to cite the policies in the Mt. Sutro Plan which would prevent modernization of the medical center's facilities. Dr. Sooy replied that the plan would limit the size of institutions to their present structural envelope; and he felt that policy would prevent modernization and renovation of the medical center's facilities. He indicated that other speakers would elaborate on that issue.

Commissioner Bierman asked if Dr. Sooy had really been serious when he had made the statement that implementation of the Mt. Sutro Plan would cause the medical center to "wither and die". Dr. Sooy replied in the affirmative. He stated that the medical center would no longer be able to provide specialized care if it could not modernize its facilities because specialized care is supported by the large bed complement presently available at the medical center.

Commissioner Dearman asked why it would not be possible to modernize the existing buildings on the campus. Dr. Sooy replied that some of the buildings will have to be completely renovated to meet current safety standards; and new facilities will have to be constructed to house patients while the renovation work is done.

Commissioner Dearman then asked why the patients could not be transferred to other hospitals while the renovation work is being done. Dr. Sooy replied that the medical center needs to maintain at least 560 patient beds in order to support the more "esoteric" services which the Medical Center provides.

Commissioner Starbuck asked if the medical center had taken a position regarding the hotel which Dr. Rider proposes to construct in the neighborhood. Dr. Sooy replied in the negative. He indicated that Dr. Rider had made a presentation to the medical center; and he anticipated that the medical center will be taking a position on the proposal within the next four weeks.

William Podesto, 1025 Sansome Street, identified himself as an architect. He stated that institutions need to grow in order to meet the changing demands of the people they serve; and he was opposed to the Mt. Sutro Plan because it would not allow for intelligent growth. In conclusion, he stated that institutions are also "people -- people who are dedicated to serving people".

Vera Duhon, 2253 Fulton Street, identified herself as a member of the Fulton/Stanyan Street Association and indicated that she had been involved in the fight against the expansion of St. Mary's Hospital for quite sometime. Individuals in support of institutional growth have argued that institutions provide jobs; but having a job will be meaningless if people have no place to live. She

indicated that St. Mary's Hospital had proposed to acquire private housing for construction of offices and off-street parking spaces which the hospital did not really need; and she felt that old people in particular should have some assurance that their homes will not be taken away from them for such projects. She stated that real estate agents are constantly calling property owners in the neighborhood to see if they would be willing to sell their properties to speculators; and she urged the Commission to adopt the Mt. Sutro Plan so that such speculation would be discouraged.

Richard Scott, 3641 Sacramento Street, identified himself as a dentist. He stated that he had worked with various organizations in the city, including the University of California Medical Center; and he indicated that he was in favor of the expansion program of the University of California Medical Center as presently planned. He stated that there has been a significant increase in minority enrollment at the medical center since 1969; and, if the Expansion Program does not go forward, he feared that there would be a reduction in minority enrollment. He felt that health care is a human right and not a privilege. The State of California has 16,000 dentists; but only 1.75% of those dentists are available to serve barrios and central cities; and there is a need for more trained dentists to serve those areas. He emphasized that the University of California Medical Center provides health care for the entire northern section of the state; and, as a result, the plan which had been proposed by the subject neighborhood would control not only the physical development of the medical center but would also affect delivery of health care throughout a wide area. He remarked that St. Luke's Hospital is in dire financial problems at the present time; and, he questioned whether that institution has received any support from the Mission district. If institutions cannot be modernized, they will lose their accreditation; and, as Dr. Sooy had stated, they will wither and die because people will not go to marginal institutions. In conclusion, he urged the Commission to give careful consideration to the long-run results of the Mt. Sutro Plan before taking action on it.

Lewis Nelson, Vice President of the Black Caucus of the University of California of San Francisco, an employee organization, commended the Mt. Sutro Communities on the effort which they had put into preparing their master plan; and, he indicated that the members of his organization were in agreement with the open space and housing objectives of that plan. However, while the objectives indicated in the facilities section of the plan might be desirable, but the policy calling for limiting the size of institutions to their present structural envelopes suggested that no facilities could be replaced in the future; and he felt that that restriction would eventually lead to a reduction of the staff of the medical center, a considerable number of whom are minority people. Again, the general objectives of the Community/Institutional Relations Section of the plan seemed to be acceptable; but the policy calling for adoption of a hiring policy giving priority to unemployed and underemployed residents, preferably from the surrounding areas might, deprived blacks and other minorities of jobs. The final section of the plan, dealing with institutional master planning was acceptable since he felt that master planning is essential.

Sister Gertrude Patch, representing Lone Mountain College, stated that she did not understand why Lone Mountain College had been included within the bound-

aries of the Mt. Sutro Community; and she felt that implementation of the plan could destroy the college within several years. She informed the Commission that the only capital which the college has is its land and its buildings; and she indicated that the college might have to sell some of its land for housing in the future. She felt that some of the land might be appropriate as part of a green belt and indicated that the college would be willing to consider such a proposal if the city offered to pay for the property; but she would be opposed to having the city acquire the property through eminent domain. In conclusion, she asked that the Commission address itself to the preparation of an Institutional Master Plan which would have city-wide application; and she suggested that some of the more zealous policies suggested in the Mt. Sutro Plan should be modified in the city-wide plan.

Dr. Morley Singer, 177 Belgrave, stated that he had received his medical training at the University of California Medical Center and that he had served on the faculty ten years. At the present time, he practices medicine at a facility which is remote from the subject neighborhood. Based on his experience, he felt that the University of California Medical Center could continue to provide health care services to the community without expanding its facilities; and, in fact, he regarded the present size of the medical center as one of the reasons for its inefficiency.

Commissioner Rosenblatt requested Sister Patch to give the Commission a written statement of her concerns regarding the Mt. Sutro Plan.

Ralph D. Hawkins, 101 Woodland Avenue, read and submitted the following letter which had been prepared by J. Levi Hilton, Jr. of 81 Behr Avenue:

"I wish to express my deep concern about certain segments in our community who, either through their own shortsightedness or through selfishly motivated and I believe misplaced values, would jeopardize the development and perhaps the very existence of the UCSF dental school, as expressed through their proposed 'Community Master Plan.' In so doing I wish to acknowledge the community's apprehension at the upheaval and the often unguided redesigning of the community profile, and as a member of that community support the careful consideration of alternatives and consequences. At the same time, however, the far reaching effects of these unilaterally proposed objectives, both within and outside our immediate community must also be carefully and thoughtfully brought into balance and given equal weight in considering the direction our community must develop.

"My perspective in this matter stems from my residence in the immediate vicinity of the health-sciences complex, my schooling program as a freshman dental student there, and as a leader of youth groups involving adolescents living here in our community.

"The State of California owns and operates two dental training facilities, one here and one at the UCLA campus. With these two facilities it must meet both the educational and professional manpower needs of our entire State. There are in addition three other private institu-

tions within the state. However, their independence of state control, their ability to admit students from all states in the nation, and their prohibitively high schooling fees must preclude them from being seriously considered as aids in meeting our state's needs in these critical higher education fields. It should be pointed out as well that several western states, such as Nevada, Arizona, New Mexico, Utah and Idaho have no training program for dental students whatsoever, and that California through the WICHE program is committed to supplying these states as well with the needed dental manpower. This is an awesome responsibility for only two dental campuses, even with the assistance of the private schools, a responsibility that we are presently not meeting, there being many areas of our own state, as well as those aforementioned, without the necessary dental personnel to meet the residents' health needs. The relative overabundance of dentists and allied personnel here in our beautiful bay area must not be construed as being universal. It would seem to me that every effort ought to be made to expand our present dental training facilities. Those voices who would limit such expansion, and even through their opposition give support to the present cutback in the UCSF dental school enrollment, either do not recognize the grave consequences of undermining an already inadequate manpower supply, or are motivated by interests which run counter to the best interests of our community and state at large. I find this opposition particularly disquieting in the face of the jeopardy in which our UCSF dental facility stands in losing its accreditation due to inadequate facilities. As members of our community we must not overlook our responsibilities, and I might add privileges as residents of the State of California.

"The dental school has much to offer our immediate community at its present location, the value of which must not be underestimated. As has been previously pointed out, the school brings a great deal of money to our community and city through salaries and wages, goods and services purchases, rent and living expenses paid by faculty, staff and students, federal research monies, etc. The school enriches the calibre of residents here by attracting eminently qualified students and professors to this area. In servicing almost 100,000 dental care visits last year the school provided not only low cost dental care of excellent quality for residents of our community, but perhaps more importantly provided care that might otherwise have been neglected. I would emphasize this point particularly in reference to two portions of our society: the youth and the elderly. The school operates a pedodontics clinic capable of meeting even the most complex dental needs of our children, for whom dental care is perhaps more crucial than for anyone else. Orthodontic therapy is also available at low cost for youth in our community, a benefit many could not otherwise afford. The school operates large clinics for restorative, crown and bridge, and denture patients, offering to the senior citizen with a small income (as well as to the rest of us) relief and correction of the degenerative processes of age, wear and inadequate hygiene. (As I stood in line at one of our local grocery stores, I was appalled

at the almost unbelievable degenerated mouths--missing and rotting teeth, inflamed gums, etc. -- and at the pain and loss of function from which these senior citizens must be suffering, not to mention the embarrassment and loss of self esteem which such poor esthetics must engender. The benefit of inexpensive services available at the UCSF dental school to these populous people and important members of our community must not be neglected.)

"As I work almost daily with many of the youth of our community I am increasingly impressed with the potential of education in meeting the needs of these youths in overcoming disadvantages of poverty, unstable family situations, and a violent and harsh milieu. Whereas the post-graduate training at UCSF may lie beyond the grasp of many of our adolescents, the presence of a beautiful and imposing institution of higher learning in our midst could do much in helping our youth to reach out and realize the educational and vocational opportunities available to them.

"The university has done much to balance its needs for growth and expansion with those of the community seeking stability in a society of unrest. The university has modified construction plans, held open forums, decentralized many programs away from the Parnassus campus, made plans to return many university-owned homes to private use--just to name a few. I also envision an administration at UCSF sensitive to the community's needs and desires for some time to come. I only wish I could feel that same desire for reconciliation and appeasement in the stony objectives set forth by certain of our neighborhood factions. I would plead for a recognition of the worth of a vigorous and efficient dental training program at UCSF, even in the face of construction inconvenience and change imposed on the surrounding community. A community is composed of many individuals living in a diverse and rapidly changing society. It cannot be regarded as a static object to be protected from change at all costs. At the point when a community ceases to develop new horizons, improve existing weaknesses, and build on present strengths, it commences a deterioration process which can only lead to the demoralization of its citizenry. I decry any and all bans on further development which would stifle normal and healthy growth within the community. I staunchly oppose the efforts of those who could sacrifice the long-range and diverse benefits of wise institutional and community growth in an attempt to establish an illusory status-quo. I urge the planning commission and all others involved to fully support the wise and prudent development of institutional and community projects as they meet the needs of the community, both immediate and at large. In this category I emphatically include the proposed development and renovation of the UCSF Dental School."

Kim Porter, 2519 34th Avenue, identified himself as a student at the University of California Medical Center. He advised the Commission that the accreditation of the dental school had been reduced from "full" to "conditional" three years ago; and last year the accreditation was reduced from "conditional" to "provisional". The next step would be no accreditation at all for the dental school.

Leslie Simpson, 1108 Page Street, stated that she is a part-time nursing care worker; and she indicated that she was in support of the Mt. Sutro Communities Master Plan for Institutional Expansion. She stated that the subject neighborhood has an over-abundance of hospital beds; and, as a result, a great deal of Competition has developed amongst the hospitals which been "empire building" for entirely too long. She urged that the plan be adopted.

Dean Anderson, representing the Ecumenical Ministry in the Haight-Ashbury, stated that there are 14 hospitals located within two miles of the University of California Medical Center. Most of those hospitals are in shaky financial shape; and all of them have empty beds. Only two hospitals in San Francisco are located south of Market Street, those being San Francisco General and St. Lukes; and, as a result, most of the residents of the city do not have ready access to health care services. San Francisco has approximately 2,000 empty hospital beds; and those vacant beds are being paid for by other patients. The University of California Medical Center has continued to expand in the Mt. Sutro area; and, in proposing to construct a new dental clinic, the medical center had refused to look for alternate sites in the community. Previous speakers had objected to the policy in the Mt. Sutro Plan calling for the adoption of a hiring policy giving priority to unemployed and underemployed residents, preferably from the surrounding area, the principal objection being that implementation of the policy might reduce the number of minority people employed at the institutions. However, he stressed that the Mt. Sutro Plan was oriented primarily to the Haight-Ashbury district; and many minority people live in that area. He hoped that the Commission would endorse the plan.

Dr. Calvin Dellefield, President of the San Francisco Community College Centers, stated that neither he nor other interested parties had been involved in the development of the Mt. Sutro Communities' Master Plan for Institutional Expansion; and he urged that wider community participation be solicited before action is taken on the plan by the Commission.

Anthony J. Souza, 93 Christopher Drive, stated that the Mt. Sutro Plan was not conceived as an anti-health services proposal. He remarked that many officials of the University of California Medical Center live outside of San Francisco; and, under the circumstances, he questioned the sincerity of their concern about the quality of life in San Francisco neighborhoods. He felt that the University of California Medical Center should be encouraged to provide health care services in other areas of the city; and he believed that the open space on Mt. Sutro should be preserved permanently and not just for a period of 25 years. Finally, he stated that he did not feel that the plan would have any effect on minority hiring by the institutions.

Willa J. Stokes, Project Director of the Haight-Ashbury Center for Alcohol Problems, read and submitted the following statement which had also been signed by Betty Lynn Moulton, Education Worker; Kermit Sheppard, Community Mental Health Specialist; and Ron Lynskey, Office Coordinator.

"HACAP is a non-profit agency contracted with the City & County of San Francisco Bureau of Alcoholism, providing services in information & referral, crisis intervention, pre-treatment counseling, and education for alcohol and related problems.

"HACAP supports the efforts of the Mt. Sutro communities in their development of the Mt. Sutro Community Master Plan. The plan recognizes the need for decentralized health care facilities in the various communities of San Francisco. It has been our experience in the Haight-Ashbury that there is an important need for health care facilities that are easily accessible to the people in the community.

"HACAP has provided its assistance as a community resource to the University of California in the form of educational seminars on alcoholism for University staff and presently has a volunteer spending three (3) hours a week at the UCSF Alcohol Center doing information & referral. It is at least ironic to us that such a large and famous institution utilizes our services without returning the favor.

"We hope the City Planning Commission recognizes the need for more decentralized health care facilities in the medically underserved communities of San Francisco and urge you to adopt the Mt. Sutro Community Master Plan to facilitate the fulfillment of that need."

Dorice Murphy, Educational Chairman of the Eureka Valley Promotion Association, agreed with one of the previous speakers who had stated that institutions are not buildings but are, in fact, organizations of fellow human beings. Yet, in the case of a major disaster, it will be people and not buildings who will react; and schools and homes can be used as clinics and hospitals. Given the type of institutional expansion which the city has experienced in the past, she felt that there is a definite need for a comprehensive plan for institutional expansion which takes account of the needs and concerns of residential communities.

Denis Lynch, 156 Locksley Street, read the following statement:

"Everyone present in this room is acutely aware of the problems which exist between the University of California San Francisco Campus and certain neighborhood factions. The resolution of these issues, as with any other, is a matter of political compromise and give and take. In recent years, however, it has been a case of the University give and the neighborhood take. Neighborhood groups have consistently refused to accept any of numerous proposals of compromise offered by the Campus. This attitude on the part of Neighborhood groups of 'I want it my way or else' is unrealistic, counter productive, and only leads to further ill will and bad feelings. A balanced compromise, which is acceptable to both sides of the issue, must be reached and I believe the Campus Administration, unlike the neighborhood associations, has made earnest efforts towards this end.

"Institutions, such as the University of California San Francisco Campus do, in some ways, detract from the neighborhood. Aesthetically they are not as nice to look at as eucalyptus trees, and they do promote an increase in traffic and parking problems. However, these are problems which the University is actively seeking to remedy. In doing so, the University has repeatedly asked for, and occasionally gotten, constructive assistance from neighborhood groups. On the other hand, the University has done much to benefit the neighborhood. Primarily, it provides accessible, and perhaps more importantly affordable health care of the highest caliber. It acts as a resource for surrounding health professionals -- a place where they can come with patient problems. It provides educational opportunities for a very large percentage of socio-economically deprived students who, without this institution, could not develop their potential expertise in the various health fields. Financially, the University employs staff from the neighborhood at salary levels exceeded by few other businesses. Many students at the Medical Center pay rent and taxes in the area, in addition to supporting local merchants with their business. This institution is needed

in this area and in the final analysis contributes on a much greater scale than it detracts. In addition, it is constantly seeking solutions to those problems which it does create.

"It has been repeatedly pointed out by neighborhood groups that they represent the majority of opinion held by the neighborhoods. In the nearly four years I have lived in the Inner Sunset, however, I have never been contacted by a member of any neighborhood organization to solicit my views or opinions. The same holds true for my classmates. The Mount Sutro Plan is no exception. Were it not for the information disseminated by the University of California San Francisco Campus, the vast majority of students, many of whom live in the Sunset, would still be unaware that this Plan was being presented here today.

"One of the focal points of the proposed University of California San Francisco expansion is the construction of the new School of Dentistry Building. Naturally, I have a vested interest in seeing this building erected, not from the standpoint of new physical facilities per se, but rather for the opportunities for quality education that it will provide. I am currently serving a two year term on the thirteen member Commission for Accreditation of the Council on Dental Education. It is this body which recently lowered the accreditation status of the University of California San Francisco School of Dentistry to 'provisional' status--the lowest rating possible which still provides eligibility for state licensure upon graduation. The vast majority of recommendations made to the school concerned the physical facilities and their inadequacies. I have had to contend with these inadequacies for nearly four years and can state, with no hesitation, that the physical facilities at the University of California San Francisco School of Dentistry have done little to enhance my own educational experience, nor that of my peers. This is not to say that the School of Dentistry at the University of California San Francisco does not produce good dentists. Quite the contrary, the dental students which have graduated from the University of California San Francisco in the past have been of the highest quality and have gone on to become valuable members of their communities and profession.

"The problem today is that the profession of dentistry, health care delivery in general for that matter, is going through a variety of changes. These new demands have come both from within the health profession as well as from the public at large. The physical facilities in the School of Dentistry simply do not, and will not, allow dental students to obtain the type of education they need to cope with these future demands of the profession and the public they serve. In spite of the excellent faculty available, there is absolutely no way in which they can instruct students adequately under the present conditions. The residents of California have a right to quality dental care. This means that there must be an adequate number of dentists who have been properly trained, not only for management of the present situation, but for the future demands which will be inevitably placed upon them.

"With this in mind I urge you to consider carefully the potentially detrimental effects contained within the Mount Sutro Plan. Furthermore, I would ask that you judge these issues, not on the basis of emotional or political appeal, but rather on the merits of an adequate, stable, education institution, in harmony with its neighbors, which has the ability to serve the health care needs of the State of California both now and in the years to come."

Mary Rogers, representing WAPAC, stated that she usually refrains from becoming involved in the affairs of other neighborhoods. However, she felt that large medical complexes should be decentralized; and, as a result, she wished to support the adoption of the Mt. Sutro Plan.

Mark Cave, 775 Corbett Avenue, stated that he is a student at the dental school at the University of California Medical Center and indicated that he is knowledgeable about student affairs, particularly those relating to Chicanos. Because of a court suit, the minority enrollment at the dental school would be decreased from 22 to 17. That decrease would affect most of the Chicano students; and the result would be that there will be fewer dentists in the barrios. He remarked that the University of California Medical Center is the only school which has the ability to do anything for his "gentle"; and for that reason, he felt that he had to oppose the Mt. Sutro Plan.

Idaree Westbrook, a resident of the Haight-Ashbury district, expressed appreciation to the Commission for holding its meeting in the subject neighborhood. She felt that third world people should have an opportunity to express their concerns regarding the plan; and she questioned whether the plan was intended to affect only the immediate neighborhood or to have wider coverage. She felt that the Commission should address itself to city-wide interests but that it should not exclude neighborhood and third world involvement.

Stanley Smith, Secretary-Treasurer and Business Representative of the San Francisco Building and Construction Trades Council, emphasized that there is a desperate need for jobs in San Francisco. He indicated that a large number of construction workers are unemployed; and, for every construction worker who is unemployed, seven related jobs are vacant. With regard to remarks which had been made by other speakers, he pointed out that there is a difference between preferential hiring and affirmative action; and he emphasized that preferential hiring is illegal. The proposed plan would encourage institutions to construct new facilities in other areas of the city; and he felt that use of their present sites was the only feasible means of expansion.

Dr. Carlton Goodlett, Editor of the Sun-Reporter, felt that most of the important points had already been raised by previous speakers; but he felt that the Commission should consider the fact that San Francisco is a neighborhood with an area of approximately 42 square miles. He was suspicious of the racial aspects of the Mt. Sutro Plan; and he felt that it would be "madness" to force institutions to give preferential treatment to the Haight-Ashbury district in its hiring practices. He advised the Commission that black people had not been involved in the development of the Mt. Sutro Plan. He regarded the University of California

Medical Center as the most important health care facility in San Francisco; and he felt that the legacy of that great medical institution should be preserved. In conclusion, he stated that he felt that the Mt. Sutro Plan was "a waste of time."

Steve Fields, Director of Progress Houses, a residential treatment program, believed that there was a basic fallacy in the equation of centralization with delivery of health care; and he emphasized that it is possible to take health care programs to the community. He regarded the Mt. Sutro Plan as an instrument which will provide an opportunity to decentralize medical institutions while still retaining a high level of health care.

George Morris, Vice President of the Sunset-Heights Improvement Club and a representative of the Sunset Merchants, stated that he felt that the Mt. Sutro Communities Master Plan for Institutional Expansion represented and exercise in "selfish emotionalism"; and he believed that it went too far. Since the University of California Medical Center had been required to file an Environmental Impact Report for its proposed expansion project, he felt that the groups which had prepared the Mt. Sutro Plan should be required to file economic impact report on their plans so that the community would know in advance what impact the plan would have on the city's tax base and on the local economy.

Father William McInnes, President of the University of San Francisco, stated that the University of San Francisco is the only comprehensive undergraduate college within the "Mt. Sutro" area; and he indicated that representatives of the University had not participated in preparation of the plan. He felt that the plan was too narrow in scope and that it did not reflect the true needs of the community. He indicated that the University of San Francisco has been in operation for 50 years and has no intention of leaving the city for the suburbs. The University has no expansion plans and is seeking no additional land. The University has destroyed no housing; and, in fact, it has built student housing. Yet, the University does need to upgrade its educational facilities; and it has a 30-year old Master Plan which is constantly being updated. In conclusion, he stated that he favored the adoption of a city-wide policy relating to Institutional Master Planning which would allow for reasonable growth.

Linda Erkelens, 84 Seward Street, read and submitted the following prepared statement:

"I have been an employee at the University of California in the Computer Center for eight years. I like working at UCSF. I like living in San Francisco. I live in the Mt. Sutro neighborhood, an easy commute to UC from this residential area. I don't want to commute downtown. I object to several portions of the Mt. Sutro Plan and want to express my views on it.

"I do not feel the voices of employees at UCSF have been heard. UCSF provides employment for about 7000 employees. Many of these employees are woman, many are in part-time employment. There are 950 part-time employees with 55% of these woman. A divorced mother or a working mother can find

part-time employment without the hassle of commuting downtown. Furthermore, many of the big companies will only hire a person if they are willing to work full time. UC provides a large employment base for this. Additionally, 70% of our staff employees are woman - a figure I don't think you find matched in many downtown companies. The employees at UC believe that they are providing many vital services -- education, research, dental and medical outpatient clinics and the inpatient services of the hospital. I do not believe that priority hiring from the surrounding neighborhood is fair or called for. It is an infringement on my rights. I don't think it will solve anything except add to the further decline of the University. To provide quality service, it is necessary to hire the best qualified applicant. Anything less will mean the lowering of the quality of service.

"I am proud to be a UC employee when I hear on the evening news or read in the paper about the contributions that UC has made. The development of the Intensive Care Nursery is a good example. This program was started as a research project in 1961. Now fifteen years later many baby's lives are being saved. Babies are being flown in from all over the state for this unique service. UC is now making a major contribution in education of new doctors and in the training of the doctors and hospitals that are sending the babies. This started from years of research at UC.

"The proposed cutback of the next dentistry class will undoubtedly mean the loss of jobs as well as the loss of service to the community as well as less dentists being trained. It will also mean continued working conditions of many employees at way below standard square foot per employee. I hate to think of the further ramifications if the School of Dentistry completely loses its accreditation.

"Many complaints being voiced against the UC plan should really be directed against any heavily developed area. That is part of living in a city. San Francisco has been losing population for a period of years. Yet it has still had the economics to support additional housing construction. I would hate to see us lose our balancing rational such that if we put all the emphasis on community and ecological desires and lose sight of the economic necessities and realities of keeping institutions like UC alive. UC provides employment for people who might otherwise be on welfare. Each paycheck gets spent in San Francisco to varying degrees. Many employees are renting apartments, buying homes, doing their shopping and banking in San Francisco. All of these employees that live in the city are supporting other facilities that pay property taxes here.

"My husband and I own apartment buildings in the city. We're small - five buildings and 63 apartments. We would hate to see institutions forced out of SF such that our vacancy factor is unbearable and the property tax increases such that the small property owners cannot survive. San Francisco is unusual in the number of small property owners. Most cities are owned by large investors. Much industry has already left San Francisco because of the property taxes.

"I see the major complaint of the neighborhood groups to be parking and traffic. This is a legitimate complaint. UC has been putting a lot of energy into getting people out of their cars and onto public transportation or into car and van pools. I would like to see as much energy go into lobbying for MUNI improvement as is being used against the University. I also feel that this area would have a parking problem without UC. There are numerous converted single family residences that are now 2 or 3 or 4 apartments, yet, they may have only one parking space."

"I urge all of you to look at the positive effects of UCSF--the community and health contributions, the providing of employment and the indirect support of the San Francisco tax base."

"I know the 5200 staff employees, the 2000 faculty, the 3300 students, interns and residents and the numerous patients would like to see the Medical Center survive and improve--not suffer from a gradual lowering of quality of service because of inadequate facilities or fragmentation. Please balance in your minds these silent people against the vocal voices of the community. The employees do not on the whole have the time available on top of their jobs to lobby for the University. That doesn't mean they don't have views. The Mount Sutro Plan will be extremely detrimental to the employees, students and patients of UC as well as every person in the United States and world that benefits from health care research."

Ross Stromberg, representing the West Bay Hospital Conference, summarized a prepared statement which read as follows:

"After careful review of the proposed 'Institutional Expansion Element of the Mt. Sutro Communities' Master Plan', the West Bay Hospital Conference, representing the hospitals of the City and County of San Francisco, urge the San Francisco Planning Commission not to endorse the proposed plan at this time."

"Instead, we suggest that the Mt. Sutro Plan be carefully studied, and those elements which are deemed by the Planning Commission to be consistent with the City-wide master plan and responsive to the entire community impacted be incorporated into the City master plan."

"We do not think it appropriate to single out the Mt. Sutro area for separate plan at this juncture, a distinct plan which would, at least, overlap the City-wide master plan, and, in many respects, as currently written, would be out of conformance with the City-wide master plan."

"The West Bay Hospital Conference applauds the efforts of the various community groups which invested considerable effort in the development of the proposed 'Institutional Expansion Plan for the Mt. Sutro Area'. This plan is viewed by hospitals as a clear statement by concerned community groups of their sincere interest in the well being of San Francisco's neighborhoods. The position taken by the hospitals is not intended to discredit the sincere efforts of these community groups."

"However, it should be noted that a planning document which is self described as a 'positive attempt at community planning', did not involve hospitals or other institutions in this development. The community which generated this Mt. Sutro Plan proposal did not include all elements of the community to be impacted by the plan if adopted. Because of this defect, we are grateful to have this opportunity to speak on behalf of the West Bay Hospital Conference before the City Planning Commission.

"The reasons for the recommendation of the West Bay Hospital Conference for non-endorsement by the San Francisco Planning Commission of the Mt. Sutro Plan as it currently reads are as follows:

"1. Hospitals and universities are singled out. We are not convinced why hospitals and universities should be singled out for special treatment and be subjected to a special 'institutional expansion element' which, if adopted, would establish as City planning policy a complete freeze on institutional development. Institutional development to be frozen by the Mt. Sutro Plan, by the way, is not limited to expansion of institutions, but would also include modernization and replacement of existing structures on current sites (more on this point later).

"Why just hospitals and universities? Why not other institutions such as churches or primary and secondary schools? Why not all commercial development?

"In fact, it would appear that this Mt. Sutro Plan is aimed, primarily, at a single institution, The University of California at San Francisco; ironically, however, the only institution which will not be legally bound by the Mt. Sutro Plan if adopted is the University of California at San Francisco by reason that it is a state agency. Hence, a plan aimed at U.C., San Francisco slashes out at all other defined institutions within the Mt. Sutro area.

"2. Why single out the Mt. Sutro area? Admittedly, there are problems of traffic congestion, housing, open-space and the planned development of communities, including growth of institutions. However, each of these concerns has traditionally been the subject of an ongoing City planning process, culminating in a City-wide master plan with distinct elements dealing with such issues as transportation, health and housing. The proponents of the Mt. Sutro Plan have failed to meet their burden to show why a separate, overlapping plan for a distinct area of the City must be superimposed on existing City-wide master plans and the existing City planning process. If the Mt. Sutro Plan raises new issues, let such new issues be separately discussed in open public hearings, and, if they stand the test of scrutiny, let these separate issues become part of the City-wide master plan. If a new issue or policy makes sense for Mt. Sutro, it should make sense for the City and County of San Francisco as a whole.

"3. The proposed Mt. Sutro Plan brands institutions improperly and without support of the facts. The second paragraph of the Preamble which states

that 'institutional expansion over the past twenty years has been a contributing factor to problems now facing the people who live in the area,' articulates an attitude of anti-hospital/university which permeates the entire Mt. Sutro Plan proposal. Hospitals and universities are, in short, 'bad' and must be stopped.

"The West Bay Hospital Conference obviously and respectfully disagrees with this judgment and the proposed penalty to be carried out. We suggest that this premise is false, and that the proponents have failed to prove their case to the contrary. We, further, suggest that such an indictment does not lend itself to a proposed planning element to become part of the official planning policy of the City and County of San Francisco. The planning policy of this City, to be effective, must be accurate and credible. We suggest that the proposed Mt. Sutro Plan's basic premise is neither that and is not supported by the evidence.

"Unfortunately, the inaccurate premise of the plan seriously erodes away at the credibility and accuracy of the entire Mt. Sutro Plan, itself. We suggest that for this reason alone that the Mt. Sutro Plan not be adopted.

"4. The Mt. Sutro Plan as a neighborhood plan. The third paragraph of the preamble suggests that the Mt. Sutro Plan is 'but the first step in what is hoped to be a continuing effort on the part of neighboring community groups at joint planning and action....'. This we acknowledge to be the objective of the listed neighborhood groups. The West Bay Hospital Conference would like to point out that our member hospitals, as well as affected colleges and universities, are also members of the various neighborhoods, and, to date, our members have not been consulted nor asked to participate in the drafting of a planning document which directly affects the continuing existence of institutions, and which purports to represent all interests of the neighboring communities. This simply is not accurate.

"5. Open-Space Element. The Mt. Sutro Plan in its open-space element states in part that 'Golden Gate Park should not be encroached upon by any future development or institution either within the Park boundaries or its periphery'. How is 'its periphery' to be defined? Is this intended to cover only property which is immediately adjacent to the Park, or is it also intended to go beyond that across the street and further?

"The next sentence states that 'open-space also includes city streets, and institutional expansion should not deny that open-space to surrounding communities'. This is aimed at street vacation. Admittedly, street vacation is a highly controversial issue which is vitally important to the neighborhood, as well as to all others affected. It is the position of the West Bay Hospital Conference that this issue of street vacation is so important that it ought to be a subject of extensive study as a matter of proposed City planning policy, rather than merely be adopted perfunctorily as a part of a proposed Mt. Sutro Plan. It is too important an issue to be adopted so perfunctorily, and, incidentally, as a part of a Mt. Sutro Plan.

"Policy II: This policy reads:

"Preserve open-space above our city streets and return to the city all former streets (e.g., Fourth Avenue). No future street vacation should be granted for institutional expansion."

"See discussion immediately preceding. Again, this is an important issue which should be separately considered. Moreover, the first sentence requiring all city streets to be returned is highly ambiguous, and is certainly impracticable for those streets over which structure have been placed. Moreover, it should be pointed out that the issue of street vacations relates to a number of issues discussed in the City master plan, such as the impact on traffic and transportation.

"Policy III:

"Golden Gate Park should be preserved in its present form or improved with additional open-space."

"The West Bay Hospital Conference is certainly supportive of this policy as it understands the language. However, the call for additional open-space might be interpreted to mean expansion of the Park to take additional homes. If this is what is meant by the proponents, then how is such a policy squared with the other elements of the Mt. Sutro Plan purporting to protect and even restore neighborhood housing?

"6. The Housing Element. The Preamble of this element is particularly harsh in its criticism of institutions within the Mt. Sutro area. The West Bay Hospital Conference respectfully disagrees with these judgments and the attitudes expressed in this Preamble.

"An objective is stated reading:

"Institutions should adopt policies which will preserve and maintain existing housing stock in the surrounding communities, especially housing in the low and moderate cost range."

"We interpret the use of the term 'existing housing stock' to mean that institutions would be required to not only stop acquisition of surrounding private housing, but to actually restore housing now owned by the institution, which was formerly privately owned, to residential uses only. This objective is certainly articulated in Policy II. Hence, for example, if a hospital were using a building for hospital purposes such as an out-patient clinic which the hospital now owns, but which was formerly privately used as a residence, then under this Policy II, the hospital would have to cease such use and actually restore it to residential use only. Obviously, we are opposed to such a proposal which is particularly harsh, and is aimed only at affected hospitals and universities."

"We are also opposed to Policy III, which reads:

"If requested by communities, institutions should stand ready to provide financial assistance to community programs and at correcting past institution--created housing problems."

"This, again, is stated in the form which prejudices institutions. Moreover, such a policy is unnecessary; it should be pointed out that eminent domain laws require relocation assistance to those persons which may be displaced.

"7. Facilities Element. Policy I which states, "Limit the size of institutions to their present structural envelope," is unacceptable to the West Bay Hospital Conference. Use of the term "structural envelope" is obviously designed not only to limit institutions to their current site, but even to their current structures! Hence, it would even be a violation of this policy for an institutions to add a back porch on an existing building and on an existing site!

"Moreover, this Policy I is wholly inconsistent with Policy II which would 'discourage any higher density utilization of existing institutional sites by decentralizing institutional functions'. In order to abide by Policy II, it would be necessary to expand existing institutions by setting up satellites or otherwise decentralizing its various functions. The cost of this Policy II is enormous and is certainly duplicative of existing institutional capacity as well as being inconsistent with Policy I which would purport to hold the size of institutions to their present site and even their present structural envelope.

"8. Community/Institutional Relations. This element of the Mt. Sutro Plan is particularly condemning of this city's hospitals and universities, and the West Bay Hospital Conference respectfully suggests that it does not, in any way, lend itself to a City Planning Commission statement on planning. It purports to cover such things as in lieu taxes, giving hiring preferences to residents, requiring institutions to adopt an affirmative action program regarding residential housing and the like. We strongly suggest that each of these issues are serious, deserve considerable study and response by the affected institutions, but are better handled directly with the institutions or with the various public agencies affected; at any rate, each of these issues do not, in any way, lend themselves to a planning document to be adopted by the Planning Commission of the City and County of San Francisco.

"9. The Institutional Master Planning Element. Again, the Preamble to this element indicts institutions with an unsupported judgment that institutions "often have been less than open-handed, if not misleading" in their master planning efforts. The West Bay Hospital Conference respectfully disagrees with this assessment of institutions and their responsiveness to the needs of the community.

"Moreover, the policies articulated under this element are, at best, redundant to existing City Planning Commission policy, requiring the filing of master plans before conditional use permits are considered, and, certainly, are redundant to the proposed amendment to the City Planning Code which would require defined institutions to file master plans. We suggest that that proposed ordinance, now under consideration by the Planning Commission, should be given ample opportunity to work before an overlapping policy on institutional master planning for the Mt. Sutro institutions is considered.

"Further, the policies implementing this institutional master planning element would specifically require environmental impact reports as a part of the master planning process. We respectfully disagree with this proposal, and would suggest that environmental impact reports better lend themselves to the development of special projects under master plans, not the master plans themselves.

"10. In summary, the West Bay Hospital Conference has some serious concerns with the Mt. Sutro Plan institutional expansion element as it currently reads. We think it unfortunate that relationships between the various neighborhood groups and several institutions have obviously deteriorated to such a point that these kinds of planning documents are deemed necessary by anyone, let alone the important neighborhood groups who are propounding the Mt. Sutro Plan. Hospitals represented by the West Bay Hospital Conference recognize that there have been problems in the past regarding the needs of the institutions and the needs of their neighbors. We pledge ourselves to a continuing effort to improve these relationships and our understanding between all elements of the community, including neighborhood associations and institutions. We would strongly suggest, however, that the official planning process administered by the Planning Commission of the City and County of San Francisco should be allowed to continue to function with primary reliance on a City-wide master plan; we see no need for a separate plan singling out institutions in the Mt. Sutro area. We certainly cannot support the currently proposed Mt. Sutro Communities Master Plan--Institutional Expansion Element by reason of the serious concerns we have raised above.

"The West Bay Hospital Conference, therefore, urges the City Planning Commission not to endorse the Mt. Sutro Communities Master Plan--Institutional Expansion Element in its current form."

Ted Frazier, 693 Mission Street, stated that he was opposed to the proposed plan and felt that there should be city-wide participation in preparation of a city-wide plan relating to institutional master planning. He also felt that the proposed plan was and would be premature until such time as there is a more equal distribution of wealth in the city. Unemployment is the number one problem in the city; and, until such time is that problem is overcome, he believed that growth should not be limited. Furthermore, he felt that the citizens of San Francisco should not be deprived of adequate health care. If the Commission had any problems regarding the proposed expansion of the University of California Medical

Center, he felt that the issues should be opened up for public discussion.

Dr. George Brecker indicated that he is affiliated with the University of California Medical Center; and he advised the Commission that the Medical Center does have a need to expand. As the Medical Center has expanded in the past, it has tried to change the environment as little as possible; and he felt that the Medical Center had demonstrated its willingness to be a good neighbor. He stated that many employees of the Medical Center travel to work by bus if the facilities of the Medical Center become inadequate in the future, patients will no longer come to the Medical Center. He felt that the Commission should cooperate with the Medical Center to resolve any problems which might exist concerning the Medical Center's proposed expansion plans.

Robert LaPointe, Community Affairs Officer for the University of California, San Francisco, read the following statement:

"As a professional city planner and the responsible University planner for the San Francisco campus' short and long range development plans, I cannot support the Institutional Expansion Element of the Mount Sutro Communities' Master Plan. I do, however, admire the time and energy that neighborhood residents put into the document and it significantly shows that people are concerned about growth of institutions in the City of San Francisco and their desire to find a workable solution where communities and institutions can be neighbors.

"Traditionally, the planning process for the development of neighborhood area plans are undertaken by the City Planning Department in concert with community residents, businessman, institutions and individuals who desire to improve, change and/or retain the quality of its neighborhood environment. This process enables the City to make sure the long range goals and objectives of neighborhood area plans are consistent with the City-wide Comprehensive Master Plan. In case of the Mount Sutro Communities' Master Plan, the traditional city planning approach has been ignored and this departure has placed many of us in a position whereby we are unable to respond to a Plan which lacks the development of issues, policies and objectives that reflect the concerns and goals of all neighborhood area plans that make up the City's Comprehensive Master Plan.

"I also have some specific concerns with the Mount Sutro Communities' Master Plan, first the expansion element proposal is incomplete in that it describes only one element in a series of other required planning elements (i.e. residence, transportation, commerce, community facilities, etc.) that constitute neighborhood area master plans, second, the development of any neighborhood area plan should involve the participation of all neighborhood groups, residents and institutions within the specific community and this has not been done in the case of the Mount Sutro Plan, third, a plan cannot be done in isolation and the proposed plan needs to be coordinated with other neighborhood plans and in concert with the City-wide Comprehensive Master Plan and fourth it fragments the City in its approach and goals to develop City-wide guidelines for institutional master planning.

"Recognizing the need for joint and coordinated neighborhood area planning, institutional master planning on a broad City-wide basis, I would like to recommend to the Commission that we utilize the existing traditional planning mechanisms and that you request your planning staff to assist the Mount Sutro residents and invite other concerned groups, institutions and individuals to participate in the development of a meaningful and complete Mount Sutro Community Master Plan. Furthermore, there is also a City-wide need for a special Institutional Element in the City's Comprehensive Master Plan and I am requesting that the Commission take immediate steps for inclusion of such a key element in its Master Plan.

"In conclusion, I want to stress that institutions, neighborhoods and the City must develop their long range plans with maximum concern for each others needs and this can only be done through joint discussions, negotiations and compromises. It is my belief that a balance can be struck between needs of institutions that make such important contributions to the health and well being of the people of San Francisco and the need to maintain a quality urban residential neighborhood for the people who reside near them."

Bert Schwarzschild, 363 Douglass Street, felt that there should be nothing "holy" about a dense compound of medical buildings, especially when the compound is surrounded by residential neighbors who feel threatened; and he believed that the University of California Medical Center serves as an example of an institution which has had a harsh and insensitive impact on surrounding neighborhoods. St. Joseph's Hospital, on the other hand, is an example of an institution which he had a "soft impact" on surrounding neighborhoods insofar as it has proposed to reduce the number of its beds. In his opinion, the issue was not whether institutions should be allowed to expand but how and where they should be allowed to expand. In that regard, he noted that suggestions had already been offered for alternate sites for the new University of California Dental School. He believed that institutions in the subject neighborhood had abused their power of eminent domain; and he felt that open space on Mt. Sutro should be preserved not just for 25 years but forever. In conclusion, he urged the Commission to take favorable action on the Mt. Sutro Plan.

Clemens Work, representing the Duboce Triangle Neighborhood Association, stated that he was generally supportive of the Mt. Sutro Communities' Master Plan for Institutional Expansion. He advised the Commission that Franklin Hospital has had a major impact on the surrounding neighborhood in terms of traffic, noise, and housing cost; and construction of the heliport which had been proposed would have an even harsher impact on the neighborhood. He stated that the Mt. Sutro Communities had felt the impact of institutional expansion more than other neighborhoods of the city; and he did not feel that the decentralization of medical and dental facilities to other areas of the city would reduce or eliminate health care services.

Naomi Gray, 270 Roosevelt Way, read and submitted the following statement:

"My name is Naomi Gray and I am President of Naomi Gray Associates a minority-owned social, health planning and management consultant firm in the

human services. I have been involved in the health care system for more than 20 years. My agency evolved out of my own experience and conviction that there was need of an agency to deal with special health and social needs relevant to minority populations. My personal concerns span a range of social, economic, health and political issues, but I am particularly concerned about the quality of health care available to Black and other minority citizens. The issue of health care and health systems determines whether or not Black and poor people will overcome the shackles of poor physical conditions which affect employment, housing, education, and their survival. I have special concern about the lack of adequate health care for the Black elderly, who are subjected to the greatest inequities, the greatest indignities, and the greatest inhumanities in our current, fragmented health care system. We should be aware that the status of health in the Black community is related to the double standard of care -- one for the poor, and another for the non-poor. Every single person in this community should have access to high-quality, dignified medical care, without regard to socio-economic status or where the person lives and this also includes the right to earn a living.

"I'm here to speak to the issue that is now before the Planning Commission and that is the Mt. Sutro Community Master Plan. This plan is being proposed by eight neighborhood groups surrounding Mt. Sutro. These geographic areas include inner Sunset, Eureka Valley, Forest Knolls, Haight-Ashbury, Parnassus Heights, Stanyan-Fulton, Sunset-Parkside and Woodland. The purpose of these groups is to set planning policy for those institutions within boundaries that have been established by these neighborhood groups and associations and designated as Mt. Sutro. Noticeably absent is any mention of any inclusion of Black neighborhoods of the Western Addition which also could be affected by this plan in a negative way.

"I feel the implementation of this plan, especially with respect to the University of California, would have adverse affects on the Black citizens of San Francisco. My concerns are listed below:

1. Neighborhood groups should not be the sole determinants of the destiny of surrounding institutions which provide services, jobs, and education for a much broader community.
2. Slots in the schools for Black professionals; i.e., physicians, dentists, nurses, pharmacists, could be jeopardized by implementing this Sutro Plan.
3. Needed health services could be greatly reduced.
4. Jobs for Blacks would be jeopardized.

"If you will note, Policy III under Community/Institution Relations in the Mt. Sutro Plan states that the University of California should engage in preferential hiring for those persons in the eight surrounding neighborhoods. Where does that leave residents of the Western Addition, Hunter's Point, etc?

"It came as quite a surprise for me to learn the University of California-San Francisco is the largest employer in the city with 21.3% Black employees on their payroll. With the exception of Meharry and Howard, the two Black medical schools in the country, and the University of Hawaii, the University of California-San Francisco Medical School enrolls more non-Caucasians than any medical school in the country. In their dentistry and pharmacy freshman classes each are 44% minority, with their first year nursing class consisting of up to 25% minorities.

"As a social and health planner, I believe in well thought-out plans for the orderly development of any kind of program, and this would include our neighborhoods. However, we Blacks who have been victimized by such plans are aware that all too often we are dealt out of the plans, and left holding the bag while those who made the plan, reap the benefits. There is considerable talk about people on welfare who are tax consumers instead of tax producers. In my opinion, when you have an institution as large as the University of California-San Francisco, which provides the sizable amount of revenue, with a large percentage going to Black residents of this city, I for one do not believe that we should allow a small group of citizens to determine the economic and health destiny of the rest of the citizens of this city. We do have a stake in these decisions and our voices will be heard equally with those of other citizens as we are determined to participate along with everyone else in the democratic process, even though there are many people who do not believe this should be accorded to Black people.

"As part of this democratic process, I firmly believe that all sides of the issue should be discussed and placed in the open so that people can decide to which side they will lend support. When an issue is as important as this, it is even more important that as many people as possible be alerted so that they can attend, listen, and hear the discussions in order to acquaint themselves with the issues involved so that they can come to their own independent, intelligent judgment. This to me is the democratic process.

"I want it clearly understood that my statement is a personal one and I take full responsibility for it. I am speaking from an economic and political perspective because I am aware these matters are political in nature. There is one thing we as Blacks have in common with the larger community -- we are citizens and we are voters. Many of us who are Black expect to have our economic, social, health and educational needs considered in the deliberations of all Commissions in those matters that effect us. We shall make it our political business to monitor and analyze actions of appointed and elected officials so that in each succeeding elections we will know our friends and supporters. What I am saying essentially is that we intend to become stronger and more vocal advocates in the political arena on behalf of Black people in this community. And, we hope, in the process that responsible public officials will act out of concern for all it's citizens and not a few and that all points of view will be heard, listened to and that action will not be hastily taken on a preconceived or narrow partisan basis.

"After all, San Francisco's population is made up of approximately 42% of ethnic minorities and we must all try to live in peace with each other but not by pitting one group against the other."

Al Lopez, 123 Corbett Avenue, stated that he is an employee of the University of California at San Francisco; and he felt that all citizens of San Francisco who would be the beneficiaries of the Mt. Sutro Plan should have had a role in its preparation.

Kenneth Wishnow, 1651 10th Avenue, stated that he is a fourth year student at the University of California Medical Center. He indicated that he had not been contacted by any community groups regarding the Mt. Sutro Plan. He felt that the University of California has the best medical school in the world; and it has been a leader in community activities. Under the circumstances, he felt that the communities should be very proud of the medical center. He emphasized, however, that some areas of the medical center do need remodeling; and other areas are extremely overcrowded. In response to a question raised by Commissioner Mellon regarding the assistance given by the University of California to San Francisco General Hospital, Mr. Wishnow replied that actual clinical training for students of the University of California Medical Center takes place at three hospitals; and he indicated that the Medical Center places a major role in staffing and running San Francisco General Hospital.

Anna Guth, 137 Rivoli Street, felt that the real issue before the Commission was not growth or medical care but how to stymie the development of institutions. She remarked that institutions had been responsive to community needs in recent years and have encouraged interested citizens to participate in their planning process. Furthermore, she felt that the argument offered to the effect that the Mt. Sutro Plan should be adopted to prevent the loss of any more housing was a poor one, especially since some of the individuals who had used that argument had supported conditional use applications which had resulted in the conversion of housing units to other uses.

Bob Randall, representing St. Francis Memorial Hospital, believed that institutional master planning is a city-wide issue. In preparation of the Master Plan for St. Francis Memorial Hospital, representatives of the hospital had met with members of the public and had been told that they should preserve housing; and, as a result, the hospital had amended its Master Plan to assure that housing would be preserved. He suggested that the Commission and the Department of City Planning should approach the issue of institutional master planning on a city-wide basis.

Francis Greenspan, 59 Manzanita Avenue, indicated that he regarded the Mt. Sutro Communities' Master Plan for Institutional Expansion as a very personal view of the needs of San Francisco. Proponents of the plan had stated that it was not intended to be anti-health care; but the plan disregarded the fact that the University of California Medical Center must rebuild some of its facilities to meet current seismic safety standards. He felt that adoption of the plan would paralyze the University of California Medical Center. Therefore, he suggested that

the plan should not be adopted by the Commission as policy but that it should be used as a starting point for development of a city-wide Master Plan dealing with the issue of institutional master planning.

Sylvestre Lee, 1562 Portola Drive, stated that the facilities at the University of California Medical Center are deteriorating and that some of the buildings are unsafe in terms of fire and seismic safety hazards. As a result, the University of California Hospital and the Langley-Porter clinic are in violation of regulations established by the Department of Health, Education and Welfare; and he felt that those buildings should be remodeled and expanded if possible.

Sue Hestor, 4536 20th Street, stated she was surprised that Golden Gate College was concerned about the Mt. Sutro Communities' Master Plan for Institutional Expansion since Golden Gate College is located downtown and not in the subject neighborhood; and she suspected that the Consortium had encouraged the representative of that college to come to the present meeting. She also disagreed with that individual's contention that institutional master planning should be approached from a city-wide point of view. In the past, institutions have ignored residents of neighborhoods in which they are located until they are ready to proceed with a specific development project; and she believed that they were disturbed by the fact that the "shoe is now on the other foot." She regarded the Mt. Sutro Plan as a good one; and she emphasized that it did not represent the first occasion on which local neighborhoods have presented their own plans to the City Planning Commission. She felt that it should be given as much legitimacy as the plans which are being prepared by institutions. She advised the Commission that everyone, including the University of California Medical Center, knew that the plan was being prepared; however, since neighborhood organizations do not have large budgets, they had not been able to mail notices to lots of people. Individuals who had expressed concern about the possibility that the Mt. Sutro Plan might result in a cutback of minority hiring were really saying that they lack faith in the affirmative action programs of the institutions involved. The plan itself would in no way affect minority hiring. Until Sister Patch had made her presentation to the Commission, she had not been aware that Lone Mountain College was considering selling any of its property. Dr. Goodlett had referred to San Francisco as a neighborhood with an area 42 square miles; but she felt it was "screw" to fail to recognize the fact that different neighborhoods in the city have different needs. Dr. Goodlett had also stated that the delivery of health care is a big business in San Francisco; and she agreed with that remark. She felt that Mr. Stromberg's testimony was "laughable". He had questioned why educational and medical institutions had been singled out for special consideration; and she believed that any one who was familiar with the history of institutional expansion in San Francisco would have known the answer to that question. Local institutions have a wealth of funds and have the right to exercise the power of eminent domain; and those circumstances have combined to create a serious problem in the subject neighborhood. Mr. Stromberg had also asked why the scope of the proposed plan had been limited to the Mt. Sutro area; her response to that question was that Mt. Sutro area is the most in need of protection against institutional expansion because of the enormous concentration of institutions in the neighborhood. Mr. Stromberg had also questioned why social policies had been included in a facilities document; and she replied that those poli-

cies had been included because the people who had prepared the plan are concerned about social issues. Several people had suggested that the Mt. Sutro Plan would cause the University of California Medical Center to wither and die; but if that situation does come to pass it will occur because the University has been myopic about his own planning. St. Luke's Hospital is presently in horrible financial shape; and it is receiving no assistance from other hospitals. The citizens of San Francisco pay higher medical costs because of the vacant beds in the various hospitals. With those thoughts in mind, she urged the Commission to act during the present meeting to endorse the Mt. Sutro Plan and to place it in its files for future reference.

Wilfred T. Ussery, 1335 Divisadero Street, stated that he endorsed the concept of the neighborhood organization getting together to decide what impact they wish to have on physical planning in their area; however, he felt that the Mt. Sutro Plan, which had concentrated on schools and hospitals and had ignored businesses and other uses, was inadequate for consideration or adoption by the Commission at this point in time. He also felt that the Commission should avoid "balkanization" of the planning process in San Francisco; and, whenever matters of community concern are being considered, all interested individuals and groups should have an input. He stressed that it is extremely important to give consideration to city-wide policy whenever proposals are being considered for the expansion or reduction of institutional facilities. Finally, with regard to the issue of preferential hiring, he stated that he would be willing to support a policy giving preference to residents of the city; but he did not feel that preference should be given to residents of any particular neighborhood.

Thomas McCarty, 424 Frederick Street, remarked that there is no question that institutions powerfully affect the way in which citizens of the city live; but he felt that the issue before the Commission did involve the question of a neighborhood's right to have the problems which are caused by institutional expansion settled on the basis of recognized principles. He acknowledged that all of the interests of various individuals and groups in the city were not represented in the Mt. Sutro Plan; but he emphasized that the interests and principles of the neighborhoods directly affected by the major institutions in the area were reflected in the plan. He believed that residents of the subject neighborhood have a right to decent housing as well as a right to a rational planning process; and those issues were the basic subject of the Mt. Sutro Plan. He indicated that he had heard only one question raised regarding the substance of the plan, that being the issue of preferential hiring for residents of the subject neighborhood; but he emphasized that the subject neighborhood houses an extremely high number of unemployed individuals, many of whom are minorities. He felt that institutions should deal with the needs of the people whom they impact most; and, for that reason, he felt that such a policy statement was appropriate for the plan. Mr. Smith of the Building Trades Council had expressed his fear that adoption of the Mt. Sutro Plan would result in the loss of jobs. But he stated that he is one of the seventeen thousand construction workers whom Mr. Smith represents and is among the 40% of those workers who are presently unemployed; and he had no sense that anyone who had been involved in preparation of the Mt. Sutro Plan had any desire to cause him to be unemployed. He believed Mr. Smith to be an honest man who must have been misinformed; but he regarded the statement which had been made

by Mr. Smith as an attempt to play on the fears of people.

S. Halpern, representing the Golden Gate Heights Association, stated that his organization endorsed the Mt. Sutro Plan and indicated that they firmly believed that the plan should reflect the desires of the neighborhood.

Annette Murphy, 1344 5th Avenue, stated that she was in favor of the Mt. Sutro Plan; however, she indicated that she was also supportive of the University of California Medical Center which is a State institution. Nevertheless, she emphasized it should not be necessary for every new doctor to be trained on the Mt. Sutro campus. She also felt that a policy favoring the hiring of residents of the neighborhood by the medical center would be desirable since employees of the medical center would then be able to walk to work.

Marcia Lindeen, representing the Inner-Sunset Action Committee, stated that the Mt. Sutro communities had been bound together as a result of the recent growth of institutions in their neighborhoods. She remarked that the University of California Medical Center has expanded from a facility of 500,000 square feet to a facility of more than 3 million square feet in the last 20 years. As of January, 1976, San Francisco had a total of 1,250 surplus hospital beds; and that surplus has caused problems for the hospitals. Furthermore, if the hospitals are not more cooperative in terms of sharing their equipment with one another, medical costs are likely to sky-rocket. Also San Francisco citizens are paying higher taxes because the hospitals are not paying their fair share of taxes. The University of California Medical Center's Master Plan calls for constant construction over the next ten years; and it is likely that expansion will be proposed beyond that point. She stated that the members of the Inner-Sunset Action Committee would like to have the homes on 4th Avenue, which are now owned by the University, returned to residential use immediately; and 4th Avenue should be turned in to a city street again. She emphasized that the city has a 1% residential vacancy rate; and, as a result, those housing units are needed. If the University of California Medical Center is allowed to continue to expand on Mt. Sutro, it will never take its services to other areas of the community. With regard to the issue of the possibility of the dental school losing its accreditation, she remarked that the medical center had previously proposed to use an existing building for the dental school and had decided to construct a new building for the school only after Federal funds had been made available; however, she emphasized that the location originally contemplated is still available. Under the circumstances, the dental school need not remain in its present quarters and face the loss of accreditation because of the inadequacy of its facilities.

Frank Sheehan, a planner for San Francisco State University, noted that his university would not be affected by the Mt. Sutro Plan. He felt that the balance which the City Planning Commission should be trying to achieve could best be achieved through a broader, city-wide plan instead of looking at things in a very fragmented way. The Mt. Sutro Plan really was nothing more than a "Christmas list" of a particular neighborhood of the city; and he felt that a broader plan, addressing itself to city-wide concerns, should be prepared.

Christian Matthew, representing St. Mary's Hospital and Medical Center, advised the Commission that St. Mary's had considered whether it should stay in San Francisco or whether it should move to the suburbs; and it had decided to stay in San Francisco. He felt that it was unfortunate that the community had decided that the hospital and medical center are not wanted since the time that that decision was made. He stated that St. Mary's Hospital was filled to capacity last week; and, as a result, the allegation that all hospitals in San Francisco have empty beds was not true. He advised the Commission at St. Mary's was opposed to the Mt. Sutro Plan which he felt had been conceived on false premises. He remarked that the planning done by St. Mary's has not been done in isolation -- they have tried to involve the community in the process. In fact, changes had been made in St. Mary's Master Plan in an effort to accommodate the needs of the community; and, as a case in point, he indicated that the Master Plan had been reduced to a two block area. He also informed the Commission that St. Mary's Hospital had participated in a housing project for the elderly on the old Notre Dame Hospital site, a property which is zoned commercially and which could have been used commercially. In conclusion, he stated that he would be willing to meet with the staff of the Department of City Planning to discuss alternatives to the Mt. Sutro Plan.

James Haas, a member of the Bernal Heights Association, stated that he has been a director of the San Francisco Comprehensive Health Planning Council and has served on the Health Facilities Committee of that council. He felt that it was an opportune time for the Commission to consider the Mt. Sutro Plan since many institutions in the area are planning new facilities; and he disagreed with some of the speakers' predictions of what would happen if the plan were implemented. He felt that the time has come for all institutions to think of decentralization; and he regarded the dental school of the University of California Medical Center to be a "first class candidate" for location in another neighborhood.

President Lau requested the staff of the Department of City Planning to review both the Mt. Sutro Plan and the testimony which had been presented and to return to the Commission with a recommendation as soon as possible.

The meeting was adjourned at 12:20 A.M.

Respectfully submitted,

Lynn E. Pio
Secretary

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CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, March 4, 1976.

The City Planning Commission met pursuant to notice on Thursday, March 4, 1976, at 1:45 p.m. in Room 202, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning); Nathaniel Taylor, Planner III; Ralph Gigliello, Planner II; Paul Rosetter, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that the minutes of the meetings of January 7 and February 17, 1976, be approved as submitted.

CURRENT MATTERS

Edward I. Murphy, Acting Director of Planning, reminded members of the City-wide Comprehensive Plans Committee (Commissioners Dearman, Rosenblatt, Starbuck) of a meeting scheduled for 12:00 Noon next Thursday, March 11.

Mr. Murphy reported that the Landmarks Preservation Advisory Board, meeting on Wednesday, had initiated consideration of an historic district in the Northern Waterfront. He indicated that the effect of the initiation would be that all permit applications relating to properties in that area will have to be referred to the Landmarks Preservation Advisory Board for review and that the Board could recommend that any demolition permit filed could be held for up to six months.

CONSIDERATION OF A RESOLUTION AUTHORIZING THE ACTING DIRECTOR TO ENTER INTO A CONSULTANT CONTRACT OF \$50,000 FROM COMMUNITY DEVELOPMENT FUNDS TO CONDUCT A HOUSING REHABILITATION FINANCING STUDY.

George A. Williams, Assistant Director-Plans and Programs, stated that the Department of City Planning had mailed a "Request for Proposals" for a study to evaluate various methods of financing rehabilitation loans and to establish a

coordinated system for administering such loans. Requests for Proposals had been sent to approximately 70 firms in August, 1975. Ten written submissions were received and reviewed by an inter-agency committee with representatives from the Redevelopment Agency, the Bureau of Building Inspections, the Model Cities Agency, the Mayor's Office of Community Development and the Department of City Planning. Five firms were selected for oral interviews which were held by an inter-agency committee. The committee found differing strengths in the various proposals; but no single proposal was found to be completely satisfactory. Therefore, the committee had made a final selection which combined certain elements of the proposals of the three firms offering the highest capabilities for the study. He distributed copies of a draft resolution which would authorize the Director of Planning to contract for the joint services of Booz-Allen Inc., Pacific Planning Group and Curtis Associates for the purpose of conducting the rehabilitation financing study.

Commissioner Starbuck asked if the funds for the study are in the Department of City Planning's budget. Mr. Williams replied that the funds would be made available by the Mayor's office; but the Department of City Planning would have responsibility for the study.

President Lau inquired about the length of the study. Mr. Williams replied that the study would last for four months from the date of contract.

After further discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 7454.

CURRENT MATTERS - Continued.

Commissioner Starbuck, remarking that the Commission had received a letter from the Nob Hill Neighbors requesting that the application for reclassification of the properties in the Nob Hill area be scheduled for hearing in the neighborhood during evening hours, moved that the hearing be scheduled as requested. The motion was seconded by Commissioner Finn. When the question was called, the Commission voted unanimously to request the staff to schedule the hearing in the neighborhood during evening hours as requested by the Nob Hill Neighbors.

LM76.1 - PUBLIC HEARING ON A PROPOSAL TO DESIGNATE THE SAN FRANCISCO ART INSTITUTE, 800 CHESTNUT STREET, AS A LANDMARK.

(Postponed from City Planning Commission meeting of February 5, 1976.)

Edward I. Murphy, Acting Director of Planning, stated that the Director of Administration for the San Francisco Art Institute had written requesting a further postponement of this matter since the members of the Board of Trustees of the Institute had not yet been able to meet with Mr. Steele of the Department of City Planning and Mrs. Platt of the Landmarks Preservation Advisory Board to discuss the matter. He recommended that the hearing be postponed until the meeting of April 1.

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that this matter be postponed until the meeting of April 1, 1976.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATIONS NOS. 454352 AND 454353 FOR TWO SINGLE-FAMILY HOUSES AT 65 AND 71 BELGRAVE AVENUE.

(Under advisement from City Planning Commission meeting of February 5, 1976.)

Edward I. Murphy, Acting Director of Planning, reported on this matter as follows:

"Since this matter was last before the Commission on February 26, the question of a possible bar to new applications within one year has been reviewed with the City Attorney's office.

"This question involves the applicability of Section 31 of Part III of the Municipal Code to the filing and consideration within one year of applications for the same properties, where the ownership may have changed, and where the new plans are similar to but not identical with those disapproved at an earlier date.

"The City Attorney has advised that under these circumstances Section 31 cannot be held to be an absolute bar to consideration of the new applications. The Commission may wish to determine, however, whether the ownership has actually changed, and whether the new plans have removed or remedied the conditions that caused the earlier applications to be disapproved.

"If the Commission finds negatively on both points, it may hold the new applications to be "like permits" and therefore barred from consideration. The Commission may also, if it wishes, proceed to consider the new applications on their merits, and in so doing review the present plans in relation to the plans filed with the earlier applications."

President Lau stated that he had a photocopy of the grant deed transferring title of one of the parcels of property to Joan Funk; and he remarked that the deed contained no tax stamps or other indication of fees having been paid for the transfer. Noting that Ms. Funk was present in the audience, he asked if the sale of the property had been made conditional upon the issuance of a building permit. Ms. Funk replied in the negative.

President Lau then asked if Ms. Funk could explain why no fees had been indicated on the deed. Ms. Funk replied that it was difficult to assign a value to a lot which may or may not be developable. Furthermore, it is not possible to obtain financing for the purchase of a vacant lot. Therefore, payments would be made on the property over a period of time; and, eventually, the value of the property would be established.

President Lau remarked that tax stamps are usually affixed to grant deeds unless property is transferred as a gift; and he questioned whether a bona fide sale had in fact taken place. Ms. Funk replied that a bona fide sale had taken place to the best of her knowledge.

Commissioner Starbuck asked Ms. Funk if she had an agreement of sale. Ms. Funk replied in the affirmative but indicated that she had not brought it to the meeting.

Commissioner Starbuck then remarked that it is highly unusual for a grant deed to get through the Recorder's Office without tax stamps being affixed.

David Hale, original owner of both of the lots and presently owner of one of the lots, stated that the sale was handled in accordance with recommendations made by his title company. He stated that an arbitrary amount had been agreed upon as the purchase price of the lots based upon an estimate of the value of the land and the architectural services which he had rendered in preparing plans for the proposed buildings.

Ms. Funk stated that it may be necessary for her and Mr. Hale to sell the two lots as a single parcel of property; and, if so, that would lessen the value of the property.

Commissioner Starbuck asked if there was any reason that the sale had not been made conditional upon the granting of a building permit. Ms. Funk replied that they had felt that they would have a better chance of obtaining a building permit in the absence of such a condition.

Commissioner Starbuck remarked that the Commission must decide whether it would be proper to consider the building permit applications at the present time in view of the fact that one year had not elapsed since the previous building permit application was considered; and he felt that the Commission should have more information regarding the legality of the sale of one of the lots to Ms. Funk before making that determination.

President Lau, commenting on the fact that Ms. Funk is married, questioned why the deed was in her name only and not in joint ownership with her husband. Ms. Funk replied that her husband is an airline pilot and indicated that he was out of town when the transaction was finalized.

President Lau then asked Ms. Funk if her husband had co-signed a loan for the purchase of the property. Ms. Funk replied that no loan had been obtained. The property will be paid for on an installment basis. If the property is unbuildable, it would not be worth anything.

Commissioner Bierman asked under what circumstances the lot might be considered to be unbuildable. Ms. Funk replied that the lot would have to be considered unbuildable if a decision is made that it could not be used for construction of a single-family house.

Commissioner Rosenblatt thought that the issue regarding the lack of tax stamps on the grant deed should be resolved; and he felt that a copy of the agreement of sale might clear up that situation. He also suggested that the applicants might wish to be represented by their attorney or someone from their title company. Under the circumstances, he felt that this matter should be continued under advisement until next week.

Ms. Funk stated that she assumed that no tax stamps had been required on the grant deed because the property had been put in her name at a very low initial cost with the understanding that the full payment would be made in installments; and, from the point of view of someone in the Recorder's Office, the transfer may have resembled a gift.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Rosenblatt, and carried unanimously that this matter be continued under advisement until the meeting of March 11, 1976.

At this point in the proceedings, Commissioner Mellon arrived in the meeting room and assumed his seat at the Commission table.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATIONS NOS. 452024 AND 454650, EACH FOR A THREE-FLOOR COMMERCIAL BUILDING WITHOUT OFF-STREET PARKING AT THE NORTHEAST CORNER OF SACRAMENTO AND LAUREL STREETS. (3480 AND 3496 SACRAMENTO STREET.)

Robert Passmore, Planner V (Zoning), stated that the Commission had received a letter from Robert Beach of the Presidio Heights Association of Neighbors requesting a discretionary review of the subject building permit applications. He indicated that the two applications had been filed by separate individuals. The permit application for the corner lot had been issued; but upon receiving the letter from Mr. Beach, the Department of City Planning had requested that the permit be suspended. Building plans for the corner lot called for construction of a three-story building. The ground floor, which would be slightly below grade, would be designed for retail use; and the upper two floors of the building would be designed for office use. While plans were not available for the building to be constructed on the property at 3480 Sacramento Street, he assumed that those plans would call for construction of a similar building. The plans indicated that the building would have 7,194 gross square feet of commercial floor area less exterior walls. A total of 2,241 square feet of floor

area would be reserved for storage and mechanical purposes, leaving 4,953 square feet of net occupied floor area as defined in the City Planning Code. Since the City Planning Code does not require provision of off-street parking spaces for buildings with less than 5,000 net square feet of occupied floor area in C-2 districts, no off-street parking spaces had been proposed. In reply to a question raised by Commissioner Dearman, Mr. Passmore stated that the break-down of the 2,241 square feet of floor area which would not be used for offices was as follows: 1,427 square feet for storage, 198 square feet for toilets, 200 square feet for stairways, 220 square feet for janitor closets, and 176 square feet of unusable floor area.

Commissioner Dearman then questioned whether as much as 1,427 square feet of floor area would actually be used for storage. Mr. Passmore replied that that was what was indicated on the plan. If the amount of storage space were to be reduced, the occupied floor area would then exceed 5,000 square feet; and a minimum of 10 off-street parking spaces would have to be provided for each building.

Robert Beach, representing the Presidio Heights Association of Neighbors, called attention to a letter which he had just presented to the Commission on behalf of Proctor Jones, President of his association. The letter read as follows:

"This organization representing our 600 families living in the Presidio Heights Neighborhood (between Sacramento Street and the Presidio Wall, and Arguello and Presidio), has requested that you grant, and hold, a discretionary review of the building and use presently proposed for the subject property.

"We have requested this review for the following reasons:

1. Neither our Association nor any of the close neighbors were informed at the time these lots were split from one lot, even though request for such notification had been made and notations to that effect were in the city lot plan books.
2. The proposed buildings have been designed so that no off-street parking will be required, a situation which can make an already impossible situation intolerable.
3. No exterior architectural treatment has been given those exteriors of the buildings facing away from Sacramento Street toward the residential areas.
4. The use contemplates an unknown number of offices in the upper floors of the proposed buildings, which may seriously damage beyond repair, the neighborhood shopping-residential concept of Sacramento Street as a whole.

"We respectfully request that you hold a discretionary review of the proposed use of this property so that these matters may be fully discussed before any irreversible action and building takes place."

Commissioner Dearman asked if it is a common practice throughout the city for developers to construct buildings with such a large amount of storage space. Mr. Passmore replied many buildings are probably purposely designed to have slightly less than 5,000 square feet of net occupied floor area so that the requirement for provision of off-street parking spaces can be avoided; however, he remarked that it was somewhat unusual to have proposals for construction of two adjacent buildings on file at the same time.

Mr. Beach remarked that the entire length of the rear portion of the upper floors of the building was shown as storage space on the plans; however, since those spaces have windows, he doubted that they would actually be used as storage.

Michael Pietro, one of the applicants, stated that he believed that the City Planning Code provides that 20% of the gross floor area of commercial buildings may be reserved for storage; and storage space is exempt from the off-street parking requirements of the Code. He indicated that the plans for his building had been reviewed and approved by the staff of the Department of City Planning; and he emphasized that nothing was being proposed which is not allowed by the City Planning Code. He stated that he had already constructed four or five buildings similar to the one now being proposed; and, in each case, 20% of the gross floor area had been reserved for storage. For convenience, the storage space had been shown in a generalized fashion on the plans which had been submitted; however, as portions of the building are leased to tenants, alteration plans will be filed which will show the specific locations of the storage space. Given the small size of the subject lots, it would be impossible to provide ten off-street parking spaces at ground level; and, in any case, ground floor retail space is important on commercial streets. He indicated that the proposed buildings had been designed in a Victorian style so that they would blend in with the surrounding neighborhood; and he remarked that buildings which he had constructed on Union Street had been well received. The two subject lots, as well as an adjacent third lot which is occupied by a residential building, had originally been part of a single parcel consisting of two Assessor's lots; but he felt that treatment of the three lots individually would have less of an impact on the neighborhood than construction of a single large building. When he was contemplating the purchase of the property, he had checked with Mr. DeVelbiss of the staff of the Department of City Planning. Mention was made of the fact that the Block Books contained an entry regarding the possibility of discretionary review of any proposal for development of the lot; however, Mr. DeVelbiss has interpreted the entry to mean that residents of the neighborhood would be concerned about the possibility of a three-story apartment building with ground floor off-street parking being constructed on the combined parcel of property.

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Commissioner Starbuck inquired about the number of offices which could be accommodated in each of the proposed buildings. Mr. Pietro replied that each of the buildings could accommodate approximately six offices.

Commissioner Rosenblatt asked the owner of the corner lot if the building which he was proposing to construct was essentially the same as that which was being proposed by Mr. Pietro. Mr. Vriones, the owner of the corner lot, replied in the affirmative.

Commissioner Rosenblatt then noted that the letter which had been submitted by Mr. Jones stated that one of the concerns of the neighborhood was that no exterior architectural treatment had been given to the walls of the proposed commercial buildings which would face the residential area to the north; and he requested that the applicants be asked to comment on that issue. Mr. Vriones replied that the north walls of the buildings would be finished in redwood without trim.

Commissioner Rosenblatt stated that the doctor who had acquired the residential building to the north of the subject lots had informed the Commission that he had negotiated an agreement which would give him control over the design of the north walls of the proposed buildings. Mr. Vriones confirmed that he and the adjacent property owner had agreed to avoid the use of stucco on the north walls of their buildings. The walls would be constructed of redwood which would later be painted.

Commissioner Rosenblatt asked if members of the Presidio Heights Association of Neighbors had seen the deed restriction relating to the architectural treatment of the north wall of the proposed buildings. Mr. Beach replied in the negative.

Edward I. Murphy, Acting Director of Planning, recommended that the request for discretionary review be granted and that the discretionary review be held at 2:30 p.m. on March 11.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the discretionary review be scheduled for the Commission's Regular Meeting on March 11, 1976, at 2:30 p.m.

CU75.62 - 175 QUINT STREET AT THE NORTHEAST CORNER OF CUSTER STREET.
REQUEST FOR AUTHORIZATION TO OPERATE AN AUTOMOBILE WRECKING
YARD; IN AN M-2 DISTRICT.

The Secretary read the following letter which had been received from Shirley Jones, Chairperson of the Bayview-Hunters Point Coordinating Council:

"It was brought to our attention today that on your agenda for March 4, 1976, an Auto Dismantler will be coming before you to open another auto dismantling yard in the Bayview Hunters Point area.

"Due to concerns of the community we would like to have representation to speak against this dismantling company.

"Due to conflict of prior meetings scheduled on this date we are unable to have representation present. Therefore, we would like to request that this item be put over to another date."

Edward I. Murphy, Acting Director of Planning, recommended that the hearing of this matter be postponed until the Commission's regular meeting on March 11.

Mr. Lynch, the applicant, stated that the City Planning Commission had previously disapproved a similar application for the subject property even though no one had spoken in opposition to the proposal with the exception of the Department of Public Works which felt that the property might be needed for the new sewage Treatment Plant. However, it had since been determined that the property will not be needed for the treatment plant; and he felt that the Commission should proceed to reconsider his proposal.

Mr. Murphy stated that it has been traditional for the Commission to grant requests for postponement when they are made by interested parties; and he did not feel that a one week delay would have a serious effect on the applicant.

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Mellon, and carried unanimously that this matter be postponed until the meeting of March 11, 1976.

CU76.4 - 1540 CALIFORNIA STREET, NORTHSIDE, BETWEEN LARKIN AND POLK STREETS.
REQUEST FOR AUTHORIZATION FOR A VETERINARY CLINIC FOR CATS REQUIRING NO EXTERIOR STRUCTURAL MODIFICATIONS IN A STORE SPACE FORMERLY KNOWN AS THE FUNKY FLEA MARKET: IN A C-2 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which is occupied by a three-story building with two other stores, a hotel lobby and a drive-way portal at the ground level. Hotel rooms occupy the two upper levels. The proposed use would occupy 1,200 square feet of ground floor area in the building. The applicant proposed to install a veterinary clinic for cats only. The only exterior alterations would be a change in the location of the entrance and a change of signs. There would be minor partition changes in the interior. There would be six cages provided for cats kept overnight to recover from surgery. There would be a low-ceilinged additional level of the clinic within the original ground floor to be used for storage and for the veterinarian's office. The applicant had stated that one or two of the existing off-street parking spaces behind the building will be provided for patrons of the clinic.

Steven A. Solomon, DVM, introduced himself as the applicant. He said that there are generally two problems associated with veterinary clinics, those being noise and odor. Since he was proposing to handle only cats, there would be no

noise problem. The only odor problem associated with the cats stems from uncastrated males of the species; and very few people own such cats because they are impossible to live with.

No one else was present to speak in favor of or in opposition to the subject application.

President Lau stated that the Commission had received letters from Robert C. Freise, Executive Director of the Nob Hill Neighbors and Fred O. Von Dorn, Secretary of the Polk District Merchants Association, both of which indicated that their associations had no objections to the proposed use of the subject property.

Mr. Passmore recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 7455 and that the application be approved subject to the conditions contained in the draft resolution.

CU76.5 - 47 JEFFERSON STREET, SOUTH SIDE, 80 FEET WEST OF POWELL STREET.
REQUEST FOR AUTHORIZATION FOR A CAR RENTAL FACILITY WITH IDENTIFICATION SIGNS, A RENTAL OFFICE BUILDING AND SPACE FOR 20 RENTAL CARS IN AN EXISTING PUBLIC PARKING LOT; IN A C-2 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe subject property. He indicated that the applicant proposed to rent 20 parking spaces within the existing 28,600 square foot parking lot. A small rental office and a pylon sign would be constructed; and a wall sign would be mounted above a driveway portal of the Travelodge Motel at 250 Beach Street.

No one was present in the audience to speak in support of or in opposition to the subject application.

Mr. Passmore recommended that the application be approved subject to four specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. Those conditions read as follows:

- "1. No more than 7 rental cars may be stored or displayed on the site for more than 8 hours.
- "2. Final site plans, building plans, landscape plans and sign designs shall be developed in consultation with the Department of City Planning and be submitted to the Department of City Planning for review and approval within 3 months from the effective date of this Resolution.

"3. The parking lot access from Jefferson Street shall be closed off and the only access to the lot shall be from Beach Street.

"4. No rental automobiles shall be delivered to the site or its vicinity by means of a transport truck."

Mr. Passmore stated that he felt that the applicant might have some concern regarding the conditions which had been proposed; but it appeared that he was not present in the meeting room.

President Lau asked if the applicant or his representative were present and received a negative response.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 7456 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

ZM76.1 - 60 ONONDAGA AVENUE, NORTH-WESTERLY CORNER OF ALEMANY BOULEVARD.
R-3 TO A C-2 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has approximately 100 feet of frontage on Onondaga Avenue to a depth of 130 feet. The parcel narrows to 91 feet at the rear. The area of the property to be rezoned is approximately 12,300 square feet; the remainder of site, 2,800 square feet is zoned C-2. The property is presently occupied by a small former church building near the rear of the site which is used by the Slavonic Mutual and Benefit Society as a private club. The Society had requested that the portion of the site which is presently zoned R-3 be classified to C-2 so that a new club building could be constructed which would cover most the site. The proposed two-story club building would contain an auditorium, a multi-purpose room, a bar and lounge and six off-street parking spaces. The applicant had also filed a variance application seeking a reduction in the number of required parking spaces from 60 spaces to the 6 spaces being proposed.

Sam Mosunic, Secretary and Treasurer of the Building Committee of the Slavonic Mutual and Benefit Society, stated that the new club building would be used for the promotion of cultural and educational activities. He advised the Commission that plans for the building had been reviewed by residents of the neighborhood at a special meeting which was held two weeks ago; and all of the individuals who had attended that meeting had expressed their endorsement of the proposal. Petitions had also been submitted to the Commission with signatures of residents of the area who supported the proposal. In conclusion, he stated that the proposed building would be operated as a private club and not as a commercial facility.

Commissioner Dearman asked if it would be possible to provide more than six off-street parking spaces on the site. Mr. Mosunic replied that the site had been selected because it is well-served by public transportation.

Commissioner Starbuck asked if plans had been prepared for the proposed building. Mr. Mosunic replied in the affirmative and submitted a rendering of the proposed building.

Mr. Passmore stated that the decision with regard to the parking variance would be made by the Zoning Administrator. The only question before the Commission was whether the proposed use of the site would be appropriate.

Commissioner Starbuck asked what portion of the subject property is presently zoned for residential use. Mr. Passmore replied that the site has an area of 15,100 square feet and indicated that approximately four-fifths of the property is presently zoned R-3.

Commissioner Starbuck then asked if the proposed building would cover the entire site. Tony DiSilva, architect for the applicant, stated that the building would extend to the property line along the Alemany Boulevard frontage of the site. Some set-back and an entry court would be provided on Onondaga Avenue. The rear portion of the building would be set-back approximately eight feet from the property line for approximately three-quarters of the length of that property line.

Commissioner Starbuck then asked about the approximate coverage of the building. Mr. DiSilva stated that the lot has an area of 15,100 square feet and that the building would cover 11,350 square feet of the property.

Commissioner Dearman asked how many individuals could be accommodated in the largest meeting room of the proposed building. Mr. DiSilva replied that the room will have an area of 2,400 square feet and would accommodate slightly more than 200 people.

Commissioner Bierman asked if a decision by the City Planning Commission on the proposed reclassification would commit the Zoning Administrator to a particular stance in making his decision on the variance application. Mr. Passmore replied in the negative, indicating that the Zoning Administrator will reach his decision on the basis of specific criteria contained in the City Planning Code.

Commissioner Dearman asked what would happen if the property were reclassified and were later sold. Mr. Passmore replied that the property could be used for any commercial use permitted in a C-2 zoning district if it were reclassified to C-2. In the past, in acting on similar applications, the City Planning Commission had occasionally indicated its intention to reclassify the property back to residential use if the special use requiring reclassification was abandoned; and in other cases, the Commission had indicated that it would use its powers of discretionary review to review any alternate proposals for development.

No one else was present to speak in support of or in opposition to the subject application.

Mr. Passmore recommended that the application be approved.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Bierman, and carried unanimously that City Planning Commission Resolution No. 7457 be adopted and that the application be approved.

At 3:20 p.m. President Lau announced a ten minute recess. The Commission reconvened at 3:30 p.m. and proceeded with hearing of the remainder of the agenda.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CITY PLANNING CODE
REGARDING INSTITUTIONAL MASTER PLANS.

(Continued from City Planning Commission of February 19, 1976.)

Robert Passmore, Planner V (Zoning), remarked that the Commission had received a number of comments from members of the public during its meeting on February 19; and specific amendments to the proposed ordinance had been suggested by representatives of the Coalition for San Francisco Neighborhoods and the Sunset-Parkside Education and Action Committee (SPEAK).

During the interim, the staff had met with representatives of the Coalition for San Francisco Neighborhoods and had gone over their comments and suggestions in detail. On February 26, the staff had published a revised draft of the proposed ordinance. He believed that the February 26 draft would satisfy most of the concerns of the Coalition for San Francisco Neighborhoods with two exceptions relating to sub-section (e) of the draft ordinance; and the alternate language preferred for that section by the Coalition for San Francisco Neighborhoods had been attached to the February 26 memorandum. The first part of sub-section (e) provided that the City Planning Commission should not hold any hearing on an application for a conditional use until six months have elapsed after the public hearing on the Institutional Master Plan or the revisions thereto related to the proposed development. The Coalition for San Francisco Neighborhoods felt that the following language should be included in that section: "In addition, the Department of City Planning shall not approve any building permit application for any construction pertaining to any development of any institution subject to this section unless that institution has complied with applicable requirements of this section." Since the meeting with the representatives of the Coalition, the staff of the Department of City Planning had discussed the proposed addition with the City Attorney's office; and, the staff now found the general intent of the language proposed by the Coalition to be acceptable. However, a question remained as to how the additional language might pertain to cases in which no conditional use authorization would be required. In such an instance, it was the interpretation of the staff that the six month delay period would not apply.

Mr. Passmore stated that the second area of disagreement between the staff of the Department of City Planning and the Coalition for San Francisco Neighborhoods related to the role which the San Francisco Comprehensive Health Planning Council or its successor agency would play in the review of Institutional Master Plans. The position of the staff of the Department of City Planning was that the Council or its successor agency should be asked to review and comment upon the Institutional Master Plans with not less than sixty days being provided for such review and comment. The position of the Coalition was that the Institutional Master Plan should be reviewed and approved by the Council or its successor agency and that no conditional use authorization should be approved by the City Planning Commission unless the proposed development shall have been approved by the Council or its successor agency.

Mr. Passmore stated that the substance of the amendment which had been recommended by the Sunset-Parkside Education and Action Committee (SPEAK) had been incorporated into the revised draft ordinance.

Mr. Passmore stated that the staff had not been able to meet with representatives of the Westbay Hospital Conference; however, a letter dated March 2, 1976, had been received from the Conference with comments on the revised draft ordinance. The letter had stated that the Conference had two primary issues of concern regarding the revised draft. The first issue related to the proposed requirement of a six month delay between the hearing on an Institutional Master Plan and consideration of a conditional use application for a specific project by the Commission; and the Conference recommended that the delay be reduced to a two month period. The second issue related to the role of the San Francisco Comprehensive Health Planning Council or its successor agency in reviewing Institutional Master Plans. The Conference agreed with the staff of the Department of City Planning that the role of that agency should be to review and comment upon Institutional Master Plans and not to approve or disapprove such plans; however, the Conference also felt that the ordinance should provide that Institutional Master Plans should be submitted to the Council or its successor agency within ten days of their receipt by the Department and that a period of only forty-five days instead of sixty days should be allowed for review and comment by that agency. In conclusion, Mr. Passmore stated that the staff was prepared to recommend adoption of the revised language as reflected in the draft ordinance published on February 26.

Douglas Engmann, President of the Stanyan-Fulton Street Association and a representative of the Coalition for San Francisco Neighborhoods, stated that the Coalition felt that reduction of the delay period between the public hearing on an Institutional Master Plan and the consideration of a conditional use application by the Commission from six months to two months would drastically reduce the impact of the proposed ordinance and would, in effect, result in a situation comparable to the one which exists at the present time. He emphasized that the principal intent of the six month delay period was to provide an opportunity for the community, the Department of City Planning, and the institution involved to sit down at their leisure to review the Institutional Master Plan and to try to resolve any differences of opinion regarding the master plan. Too often in

the past institutions have filed their master plan at the same time they have filed a conditional use application and an Environmental Impact Report; and, in the case of St. Mary's Hospital, all three matters were heard on the same day by the City Planning Commission after only one month's notice. In such instances, institutions tend to be firmly committed to their plans and unwilling to consider any changes whatsoever. St. Francis Hospital, on the other hand, was subjected to a six month delay; and, as a result of that delay, undesirable features in its master plan were resolved to the satisfaction of residents of the neighborhood. The establishment of a two month delay period in the proposed ordinance would really be meaningless since the law already provides that the Environmental Impact Report must be available for one month and that twenty days notice must be given of conditional use hearings; and he emphasized that the staff of the Department of City Planning agreed with the Coalition that the six month delay would be more appropriate.

With regard to the issue of the role of the San Francisco Comprehensive Health Planning Council or its successor agency in the Institutional Master Plan process, Mr. Engmann remarked that Section 303 of the City Planning Code provides that the Commission, in considering a conditional use application, must determine that "the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community"; and the Coalition for San Francisco Neighborhoods was of the opinion that the San Francisco Comprehensive Health Planning Council or its successor agency would be in a better position to evaluate the need for proposed medical facilities than the City Planning Commission or its staff. Furthermore, under new Federal and State laws, any expenditure in excess of \$100,000 for new medical facilities will have to be approved by the local health planning agency; and he felt that it was only logical that a decision should be made by that agency before the City Planning Commission involves itself in the consideration of a conditional use application for a project that might not be approved by the health planning agency. San Francisco does not presently have an official health planning agency to determine local medical needs; but such an agency will be provided under the new laws. Should that agency determine that there is no medical need for a proposed project, he felt that the Commission should not be allowed to approve a conditional use application for the project because, in so doing, the Commission would be putting itself in the position of judging the medical need for the proposed facility. If, on the other hand, the local health agency does determine that a medical need does exist for a particular project, the Commission could then balance that need against other considerations, such as environmental impact, in granting or denying a conditional use permit for the project.

Lastly, Mr. Engmann commented on the disagreement regarding the insertion of the following language in sub-section (e) of the draft ordinance: "In addition, the Department of City Planning shall not approve any building permit application for any construction pertaining to any development of any institution subject to this section unless that institution has complied with all the applicable requirements of this section." He felt that the staff of the De-

partment of City Planning was somewhat "antsy" about the repeated use of the word "any" in that sentence. The Coalition felt that the language should be included in the draft ordinance to cover institutions which would not be required to seek conditional use authorization from the Commission for their expansion projects; and, unless such language were included in the ordinance, the ordinance would provide no sanctions against those institutions if they should fail to abide by the provisions of the ordinance requiring the filing and review of master plans. The proposed law would be easy to comply with; and he felt that institutions which do not comply with the law should not be allowed to undertake new construction.

Commissioner Bierman, questioning the significance of the language proposed by Mr. Engmann, asked if there would be any circumstances in which a proposal for institutional expansion would not be brought before the Commission for review. Mr. Passmore replied that institutions located in commercial districts are not required to obtain conditional use authorization from the Commission if they wish to expand; and, under such circumstances, the permit application would not be brought before the City Planning Commission unless the Commission wished to review the permit under its power of discretionary review.

Commissioner Rosenblatt asked if the San Francisco Comprehensive Health Planning Council or its successor agency would be reviewing all proposals for expansion of medical facilities whether they are located in residential or commercial districts. Mr. Engmann replied in the affirmative.

Commissioner Mellon, remarking that review and comment by the San Francisco Comprehensive Health Planning Council or its successor agency would give the Commission all of the information which it needed regarding the necessity of the proposed facility, asked Mr. Engmann if he would still prefer that the draft ordinance give authority for a final decision on a specific building project to the Council rather than to the Commission. Mr. Engmann replied in the affirmative.

Robert J. LaPointe, Community Affairs Officer for the University of California, San Francisco, read and submitted the following statement:

"I would like to reconfirm Chancellor Sooy's February 19, 1976 statement that the University of California, San Francisco supports most of the contents of Supervisor Kopp's resolution on institutional master planning. We agreed with the principle that all institutions as well as neighborhoods should develop master plans as part of a coherent, city-wide comprehensive master plan.

"We do, however, have three major concerns regarding the Department of City Planning's February 26, 1976 revisions to Supervisor Kopp's resolution. First, based upon our five year experience in developing the UCSF Long Range Development Plan we conclude that it may not be possible for institutions to develop a meaningful master plan in consultation with both the community and the appropriate city agencies by December 31, 1976. Second, we would like to

request that under subsection (C), 'format and substance of plan', that item #6 be deleted as it is impossible for an institution within any degree of accuracy to determine or analyze the demand for related private services or facilities. The Planning Commission has the power to control such private development under its own planning and zoning code regulations. Third, an institution should be permitted a hearing on a conditional use application within a reasonable period (30 days) after the Planning Commission public hearing on the institutional master plan and its review by the San Francisco Comprehensive Health Planning Council or its successor agency.

"After a thorough review of the alternate language for subsection (e) submitted by community representatives the campus fully supports the City Planning Department's February 26, 1976 version. To prevent an institution from getting a building permit for minor construction projects within existing medical buildings before it has completed its master plan is unreasonable and is dangerous for the health, safety and general welfare of its employees and patients. Furthermore, we believe and support the Planning Department's proposal that the San Francisco Comprehensive Health Planning Council, or its successor agency, should have the responsibility for review and comments on health facilities proposed in San Francisco but not to act as approval agency for the City."

Commissioner Starbuck, noting that master planning at the University of California Medical Center is an on-going process, asked why the December 31, 1976, dead-line for submission of a master plan would be a problem for the Medical Center. Mr. LaPointe replied that the dead-line would not be a problem for the Medical Center; however, based on their master planning experience, they felt that other institutions would need a longer period of time to develop meaningful master plans.

John H. Teitscheid, Business Manager and Controller of Golden Gate University, felt that adoption of the proposed ordinance would have a disastrous effect on Golden Gate University. He said that it would take the university at least six months to prepare a master plan; and if a need for renovating rooms or relocating facilities should occur during that period, it appeared that the university would be unable to obtain the necessary permits. He emphasized that Golden Gate University is in the financial district and not subject to conditional use authorization; and he felt that the ordinance should take such circumstances into account. Furthermore, he felt that the intent of the ordinance was to apply not to all new construction but to any new buildings; and he suggested that the ordinance should be clarified in that regard. Finally, he felt that institutions which have no plans whatsoever for further expansion should be exempt even from the requirements for filing an abbreviated master plan and updating of the abbreviated master plan every two years.

Commissioner Dearman asked if the remodeling or change of use of specific rooms would have to be reflected in an Institutional Master Plan before permits for such changes could be issued. Mr. Passmore replied that that would be his interpretation of the ordinance as presently drafted. However, he felt that the language which had been recommended by Mr. Engmann could be modified to overcome that problem.

At this point in the proceedings, Commissioner Dearman absented herself from the meeting room for the remainder of the meeting.

Ross Stromberg, appearing on behalf of the Westbay Hospital Conference, noted that he had submitted a letter which summarized the substantive and technical concerns which the Conference had regarding the proposed ordinance. He felt that the delay between the hearing on the Institutional Master Plan and the filing of a conditional use application should be reduced from six months to two months. He believed that the change of time limit was extremely important, particularly in view of increasing construction costs; and the Commission would still be able to spend as much time as it would find necessary reviewing the master plan and the conditional use application. He also believed that the San Francisco Comprehensive Health Planning Council should be given authority only to review and comment on Institutional Master Plans and that it should not be asked to approve or disapprove the master plans. Under State law, certifications of need are to be handled only by a state agency; and the role of local agencies is to be purely advisory. Therefore, he felt that the proposed ordinance would be more consistent with State law if it were to provide only for review and comment by local health service agency. Furthermore, he felt that it would be improper if not illegal for the City Planning Commission to delegate its authority to a nonprofit agency. He also suggested that the local health service agency should be given a maximum of 45 days for review and comment instead of the language proposed by the staff of the Department of City Planning which would provide that "not less than sixty days shall be provided for such review and comments". He also remarked that the draft ordinance called for referral of Institutional Master Plans to the local health service agency for review and comment; and he felt that it might be more appropriate for the ordinance to require that the conditional use applications for specific projects, instead of Institutional Master Plans, be transmitted to that agency for its review and comment. With regard to the issuance of building permits for institutions which do not require conditional use authorization and which may not have master plans, he felt that his comments should be reserved until such time as more refined language is recommended by the staff of the Department of City Planning for the proposed ordinance; and he hoped that whatever language is finally devised will not prohibit the processing of routine building permit applications. As he read the present draft of the ordinance, it would prohibit any institution from filing a building permit application until January 1, 1977; and he did not believe anyone had intended for the language to have that effect. Under the circumstances, he felt that the Commission should defer action on the ordinance until those issues could be resolved. He also remarked that some institutions own properties which are totally separate from their campus and which are being held for investment purposes; and he felt that the present language of the draft ordinance

might preclude institutions from refurbishing such properties. Finally, he stated that he supported the suggestion made by Mr. LaPointe for extending the time limit for filing of Institutional Master Plans.

Commissioner Starbuck questioned the following language which was contained on page two of the letter which had been submitted by Mr. Stromberg: "For one thing under the Federal Planning Law, Public Law 93-641, and the new State laws mandated by this federal law, it is clear that as to certificates of need for health facilities, the new Health Systems Agencies to replace the old CHP agencies will be given a limited role of review and comment only with all approval authority regarding certificates of need be vested in a new State planning agency." Mr. Stromberg replied that he had referred to the statutory language; but he indicated that he had also reflected his own opinion of that language. He stated that his specialty is health law. He advised the Commission that legislation will be passed at the State level to implement Federal law unless the State wishes to risk the loss of Federal health funds; and he indicated that a project covered by the law would be reviewed by the State agency regardless of whatever ordinance San Francisco might adopt.

Commissioner Rosenblatt asked if some projects with a medical orientation would be considered by the City Planning Commission which would not be considered by the State agency. Mr. Stromberg replied in the affirmative, indicating that the State agency would review only the provision of new hospital beds, introduction of substantial new services, or projects requiring significant capital expenditures. The State agency would not be reviewing facilities such as doctors' offices; however, doctors' offices proposed as part of a medical complex would be covered by the ordinance presently under consideration by the Commission.

Commissioner Rosenblatt, remarking that the Commission had recently reviewed a master plan for St. Francis Memorial Hospital, stated that he had found it impossible to make a valid determination of the medical need for the facilities being proposed in that master plan; and he felt that review of such proposals by a health planning agency would be helpful to the Commission. Mr. Stromberg agreed that a comprehensive health planning agency could play an important role in reviewing and commenting upon any Institutional Master Plans proposed for properties in San Francisco; however, he did not feel that such an agency should have the ability to make a final decision regarding proposed projects.

Commissioner Rosenblatt, noting that Mr. Stromberg had suggested that it would be preferable for the ordinance to provide that the local comprehensive health planning agency should review specific conditional use applications rather than Institutional Master Plans, stated that he felt the institutions would prefer to obtain a reading from such an agency at the master plan level rather than waiting until such time as more detailed plans have already been prepared. Mr. Stromberg replied that he felt that it would be appropriate for the local health agency to review and comment upon master plans; however, if the ordinance were to provide that the local health agency would have authority to approve or disapprove particular projects, he felt that the agency should then be required to review actual conditional use applications.

Mr. Engmann stated that the San Francisco Comprehensive Health Planning Council has, in fact, made recommendations for approval or disapproval of specific projects in the past; however, certain of their recommendations have been ignored by the City Planning Commission. Furthermore, certain institutions have been reluctant to submit their proposals to the Council for review; and he felt that language in the ordinance requiring approval of such proposals by the Council or its successor agency before the Commission could consider a conditional use application would urge the institutions to be more cooperative.

Commissioner Rosenblatt suggested that it might be possible to draft alternate language which would provide that the City Planning Commission could not act on a conditional use application until such time as the local health planning agency has reviewed and commented upon an institutional master plan proposal.

Commissioner Bierman asked if it might be more appropriate for the proposed ordinance to refer Institutional Master Plans to the State health planning agency rather than to a local health planning agency for review and comment.

Commissioner Starbuck asked if delegation of the State agency's authority to a local agency would be in violation of Federal law. Mr. Stromberg replied in the affirmative.

Mr. Engmann disagreed. He remarked that Federal law does not preclude a more definitive State law; and he felt that San Francisco should rely on a local agency and not on a State agency to make a determination of local health care needs.

Commissioner Bierman felt that the Commission might be placed in an awkward situation if the ordinance were to provide that the local health planning agency would have the right to approve or disapprove a specific project; and she felt that the Commission might have more control over the situation if it were merely to seek the advice of that agency and then weight the issue of medical need against other concerns such as environmental factors.

Mr. Engmann stated that that approach might result in a situation in which an institution would file a conditional use application two or three years before it is required to submit its project to the local health planning agency for review under the terms of Federal and State law.

Commissioner Rosenblatt felt that that problem could be overcome if the ordinance contained language to the effect that the Commission could not act on a conditional use application until the proposal had been reviewed and commented upon by the local health planning agency.

Mr. Stromberg stated that such language would be acceptable except that it would not prevent the local health planning agency from "sitting on its hands" if it felt that a project should not be approved; and the institution would have no recourse to an appellate body under such circumstances. Also, he felt that the ordinance should specify a time limit for submission of comments by the local

health planning agency or that it should provide that the City Planning Commission could waive the provision requiring the comments of the local agency upon showing of good cause.

Commissioner Rosenblatt remarked that a provision allowing the Commission to waive that requirement could again enable the Commission to proceed with the consideration of a conditional use application without the background of expert knowledge which could be provided by the local health planning agency; and that would be unacceptable to Mr. Engmann.

Mr. Passmore suggested that this matter should be taken under advisement so that the staff could prepare recommendations for specific language to meet the concerns which had been expressed during the course of the hearing.

Commissioner Rosenblatt asked the staff to consider language which would require institutions to submit their expansion proposals to the local health planning agency even if conditional use authorization is not needed for their projects. Mr. Passmore replied that the difference between the two situations is that the Commission, in considering a conditional use application, must make a determination as to the question of need. After Commissioner Rosenblatt had stated that his main concern was that all pertinent information should be made available to the Commission, Mr. Passmore stated that one of the recommendations of the Residential Zoning Study may be that all institutions be included in an institutional district; and, if so, all proposals for institutional expansion would require conditional use authorization by the Commission.

Bob Randall, Associate Administrator of St. Francis Memorial Hospital, indicated his general support for the revised draft of the ordinance as recommended by the staff of the Department of City Planning; but he felt that the six month delay between the hearing on the master plan and the hearing on the conditional use application should be reduced to a two month period. He noted that the revision of the master plan for St. Francis Memorial Hospital had taken only nine weeks to effect; and, now that neighborhood objections to the master plan had been overcome, he felt that it was logical that the hospital should be able to proceed with its conditional use application instead of waiting for a six month period to elapse during which nothing more would transpire.

Sue Hestor, representing San Francisco Tomorrow, stated that there is a definite need for the proposed ordinance; and she felt that the language of the ordinance should be as tight as possible. She remarked that the San Francisco neighborhoods have been fighting institutional expansion on a piecemeal basis; and she felt that the adoption of the proposed ordinance would give them time to catch their breath. She believed that most medical institutions in San Francisco have master plans on file at the Department of City Planning; and, while some of those master plans may be up to ten years old, she felt that they could be brought up to date by December 31, 1976, especially if the institutions wished to proceed with expansion programs during the next year. She agreed with Mr. Engmann that reduction of the six month waiting period between the hearing on the master plan and the hearing on the conditional use application to two months was a very major

issue; and she contended that any institution which intends to undertake intelligent planning and fund raising could accommodate itself to the six month period.

Commissioner Rosenblatt asked Ms. Hestor if she would be willing to request the Board of Supervisors to extend the December 31, 1976, filing date if the Board has not enacted the ordinance by September. Ms. Hestor replied that the December 31 filing date is still ten months away; and she felt that all of the institutions represented in the meeting room, knowing that an ordinance will be adopted should already have people working on their master plans. She advised the Commission that she is a member of the San Francisco Comprehensive Health Planning Council; and, as a member of that Council, she had fought in support of St. Josephs Hospital's recent proposal for remodeling whereas representatives of other hospitals had hoped that the project would be defeated and that St. Josephs Hospital would go out of business. She emphasized that the Council needs time to review specific proposals in detail; and she indicated that she would be opposed to modifying the language of the draft ordinance to shorten the review period to less than sixty days. She also urged the Commission not to amend the ordinance to provide for the transmittal of Institutional Master Plans to a State agency since such an agency would not be familiar with local neighborhood problems.

Jun Iwamoto, business manager of the San Francisco Community College District, read and submitted the following statement:

"The San Francisco Community College District is a public post secondary institution organized under the California Education Code to provide post high school educational services to San Francisco residents. We operate the City College of San Francisco, and eight Community College Centers - one of them is John Adams where your commission met the other evening. We serve upwards of 90 to 100 thousand students in a wide range of programs covering the Associate of Arts degree, university transfer, occupational programs, and teaching survival English to the foreign born.

"As a community college we have practiced community participation in the development of instructional programs and capital facilities. We have actively worked with Chinatown, the Mission, the Marina, the John Adams Community, the labor community, the business community, and the governmental community in developing programs. It is the policy of the District to try to bring educational programs to where our people live and work.

"As a community college we develop and submit annually to the State Chancellor a Five Year Capital Construction Program for partial state funding. This is prepared with participation of community and occupational advisory committees and reviews and adopted by our Governing Board composed of seven board members elected by the San Francisco electorate.

"Our principal mission is to teach students; therefore, an institutional master plan as described in the proposed amendment would be produced externally by contract at a cost we estimate between \$50,000 to \$100,000.

"Our District is funded from a combination of about one-third State Aid and about two-thirds local ad valorem taxes on the same San Francisco taxpayers as the City and County.

"We believe that we are already practicing the intent of this legislation, that of public participation in capital planning. This legislation will cause us to commit an additional \$50,000 to \$100,000 to institutional master planning and to sacrifice 50 to 100 classes of instruction or to cause an additional tax burden upon the San Francisco taxpayers of \$50,000 to \$100,000.

"Thank you for your attention of our concern."

Mr. Stromberg requested that this matter be taken under advisement for two weeks. Mr. Engmann indicated that he had no objections to that request. However, he wished to correct one of the statements which Mr. Stromberg had made earlier in the meeting to the effect that the ordinance would provide for a six month delay between the hearing on an Institutional Master Plan and the filing for a conditional use application for a specific project. In fact, the ordinance would allow the conditional use application to be filed at any time; but it could not be heard until a period of six months had elapsed following the hearing on the master plan. He also questioned Mr. Iwamoto's estimate that the proposed ordinance would place an additional tax burden upon the San Francisco taxpayers of \$50,000 to \$100,000. If the San Francisco Community College District has a good master plan, the information which it would be required to file is already available; and if it does not have a good master plan, the expenditure of funds for preparation of one would be justified. Finally, with regard to the comments which had been made by Mr. Tietscheid, he remarked that institutions not contemplating any major expansion would be required to file only abbreviated master plans; and he felt that such abbreviated master plans would be very simple to prepare.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that this matter be taken under advisement until the meeting of March 18, 1976, at 3:30 p.m.

The meeting was adjourned at 5:10 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, March 11, 1976.

The City Planning Commission met pursuant to notice on Thursday, March 11, 1976, at 2:15 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, and members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning); Daniel Sullivan, Planner IV (Zoning); Alec Bash, City Planning Coordinator; Ralph Gigliello, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that the minutes of the meetings of November 6, 1975, and February 3, 5 and 10, 1976, be approved as submitted.

CURRENT MATTERS

Edward I. Murphy, Acting Director of Planning, advised the Commission that the Finance Committee of the Board of Supervisors has tentatively scheduled a hearing on the Department of City Planning's proposed budget for fiscal year 1976-77 at 2:00 p.m. on April 6 in Room 228, City Hall.

Mr. Murphy advised the Commission that the Department of City Planning had been ordered to vacate space at 1208 Market Street which is occupied by the Graphics Division of the department; and the real estate department had negotiated a lease for new space for that division in the building at 1212 Market Street which presently houses the Planning Division of the department. Funds will be needed to hire a mover; and, since the new space will be somewhat more expensive than the space which has been occupied, additional funds will be needed for rent in both the present year's budget and in the budget for the next fiscal year. Therefore, he had prepared a draft resolution for consideration by the Commission which would authorize him to submit a supplemental appropriation in the amount of \$1,618 for the current fiscal year and a supplemental budget request in the amount of \$3,732 for fiscal year 1976-77. After the draft

resolution had been read by the Secretary, he recommended that it be adopted. I was moved by Commissioner Starbuck, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7458.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator) informed the members of the Commission that they had been named in a law suit filed by Pets Unlimited, Inc. to prohibit the revocation of conditional use authorization for that organization's facility at Fillmore and Washington Streets. The Commission will be represented by the City Attorney in this matter.

Mr. Steele advised the Commission that he had issued a Cease and Desist order to halt a demolition proceeding at Sansome and Lombard Streets involving a building of possible historic significance. However, after researching the matter, he had found that the demolition permit had been issued before the Landmarks Preservation Advisory Board had initiated consideration of an historic district in the Northern Waterfront; and he had since rescinded the Cease and Desist order because of safety considerations on the advice of the Superintendent of Building Inspection and the City Attorney. The developer had agreed to retain certain portions of a brick wall in the building for incorporation into two adjacent buildings which will be restored.

Commissioner Bierman, noting that the building which Mr. Steele had mentioned was being razed to make way for a parking garage, asked if the proposal for construction of the garage would become before the Commission for review. Mr. Steele replied that the proposed garage is presently the subject of an environmental evaluation by the Department of City Planning. The matter would come before the Commission only if the staff determines that an Environmental Impact Report should be prepared or if a negative declaration for the project should be appealed. In reply to a further question raised by Commissioner Bierman, he stated that the proposed garage would accommodate approximately 200 automobiles.

The Commission requested that the Neighborhood Plans Committee meeting scheduled for next Thursday be cancelled and that an executive session be scheduled at 1:00 p.m. to consider the selection of a new Director of Planning.

Commissioner Rosenblatt requested the staff to prepare a memorandum for submission to the Commission next week concerning the pros and cons of requesting an extension of the Interim Residential Zoning Controls.

DR76.2 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 455531
FOR PROPOSED CONVERSION OF A TWO UNIT DWELLING AT 316-318 LAUREL
STREET TO OFFICES; IN A C-2 DISTRICT.
(UNDER ADVISEMENT from meeting of February 26, 1976.)

Edward I. Murphy, Acting Director of Planning, made the following opening remarks:

"Since the last meeting of the Commission on this matter, the respective parties to my knowledge have met twice, once on March 3, at the Gault home for 2½ hours and again on March 6, at 100 Larkin Street for 3 hours.

"From those meetings it appears that the neighborhood group believes that the compromise position is not feasible and that the existing residential use is most compatible with their neighbor to be willing to accept the compromise provided six offices are allowed rather than five. I am prepared today to modify my previous recommendation to permit six psychiatrists offices. At this time I believe the respective parties should present their positions to the Commission."

Commissioner Bierman, noting that Mr. Murphy had previously recommended that the Commission authorize occupancy of the building by five psychiatrists, remarked that his present proposal for occupancy by six psychiatrists would further reduce the amount of floor area in the building reserved for residential use.

Mr. Murphy replied that the doctors had argued very convincingly that provision of only five offices would be economically infeasible.

President Lau asked Mr. Murphy if he had considered the points raised in a letter which had been submitted by James L. Gault of 302 Laurel Street. Mr. Murphy replied in the affirmative. If the Commission were to disapprove the subject permit application, it might wish to incorporate some of the points made by Mr. Gault in its resolution of disapproval.

Margaret Gault, 302 Laurel Street, submitted photocopies of petitions which had been signed by 650 residents of the subject neighborhood expressing opposition to the proposed conversion of the subject building to office use. She also submitted petitions which had been signed by the owners of businesses on Sacramento Street in the area opposing the proposed conversion of the building. The petition which had been signed by the merchants also expressed opposition to any development of the vacant property on the northeast corner of Laurel and Sacramento Streets which would not provide residential space and off-street parking.

James Reilly, attorney for the owners of the two vacant parcels of property on the northeast corner of Laurel and Sacramento Streets, remarked that it was questionable whether the Commission had jurisdiction over one of the permit applications for development of those properties; and he requested that the corner properties not be discussed during the course of the present hearing.

Commissioner Bierman, noting that the petition which had been submitted referred to the proposed development of the corner properties as well as the proposed conversion of the subject building, remarked that residents of the neighborhood were apparently concerned about the overall impact of the three proposals.

John Lawry, 315 Laurel Street, confirmed that residents of the area were concerned about the combined effect of the proposals; and he felt that the Commission should consider them together.

Mrs. Gault also noted that the Commission had received letters in opposition to the proposal from the Presidio-Heights Association of Neighbors, the Clay-Cherry Neighborhood Association, the Sacramento-Arguello Association, and the Pacific Heights Association. The Laurel Village Merchants Association had written a letter to the Commission opposing the conversion primarily because no off-street parking was being provided. Mrs. Gault stated that the information which she had distributed to the members of the Commission also contained a three page traffic study which had been compiled by the residents of the 300 block of Laurel Street with information provided from the Traffic Engineering Bureau of the Department of Public Works. They had found that residential uses generate from five to nine trip-ends per week day. Medical offices average forty-one trip ends per week day per doctor. While the information provided by the Traffic Engineering Bureau had no specific estimates of trips generated by psychiatrists' offices, she assumed that they would be somewhat less than the average number of trips generated by medical doctors. She stated that the Traffic Engineering Bureau had undertaken a study of the shortage of parking spaces on Sacramento Street between Lyon and Laurel Streets and had found that the shortage of parking had grown 250% between 1959 and 1975; and that Bureau had predicted a further 50% increase in the shortage of parking spaces by 1990. In making that estimate, the Bureau had relied on a growth rate of only 1.5% per year; and, as a result, approval of the projects presently under consideration would bring the parking situation in the area to a desperate situation long before 1990. The Traffic Engineering Bureau of the Department of Public Works did not have any data relating to Clay Street in the subject neighborhood; so residents of the neighborhood had made their own survey of the situation on that street. License plates of parked vehicles were checked at 9:00 a.m., 1:00 p.m., 4:00 p.m., and 6:45 a.m. the next morning. In the 3500 block of Clay Street they had found that 18 vehicles were parked all day in the 34 spaces available. In the 3400 block of Clay Street, they had found that 17 of the 26 spaces were occupied all day by non-resident vehicles. The blocks surrounded by Clay, Laurel, Sacramento, and Locust Streets were checked for density of parking on March 4, 5, 7 and 8, 1976. The survey showed that by 8:30 a.m. all spaces on Locust, Clay and Laurel Streets were filled but that three out of seven parking meters on Sacramento Street were empty. By 9:00 a.m., the metered spaces were full. All spaces remained full until around 5:00 p.m. Three other block of similar make-up had been surveyed; and the results were similar. Mrs. Gault stated that she had also given members of the Commission photocopies of Section 26 of Part III of the San Francisco Municipal Code which read as follows: "Section 26. Facts to be Considered by Departments. In the granting or denying of any permit, or the revoking or the refusing to revoke any permit, the granting or revoking power may take into consideration the effect of the proposed business or calling upon surrounding property and upon its residents, and inhabitants thereof, and in granting or denying said permit, or revoking or refusing to revoke a permit, may exercise its sound discretion as to whether said permit should be granted, transferred, denied or revoked." Finally, she stated that she had given members of the Commission copies of a letter which had been addressed to Mr. Murphy by her husband on March 10.

MINUTES OF THE REGULAR MEETING

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MARCH 11, 1976

Paul A. Renne, an attorney and a director of the Presidio-Height Association of Neighbors, stated that he felt that the California Environmental Quality Act would require that the combined impact of the proposed conversion as well as the new building proposed for Sacramento Street be considered together by the Commission. While Mr. Murphy had recommended that six psychiatrists be allowed in the subject building, he felt that the Commission should look at the combined impact of the three projects and the number of trips which they would generate each day; and he hoped that the Commission would deny the permit for conversion of the subject building.

Jane Gudlin, 3464 Clay Street, stated that most of the houses on Clay Street are very old and were built before the era of garages; and, as a result, many of the residents of the area must park their automobiles on the street. She also noted that there is a playground in her block; and private vehicles and buses which bring children to the playground, particularly during summer months, must have a place to park. She stated that she has had to call tow trucks on the average of once a month to remove illegally parked vehicles; and she felt that conversion of the subject building for psychiatrist offices would make the parking situation in the area even more horrible than it is at the present time.

Barry Bunschott, 3652 Clay Street, stated that he owns an old house without a garage and must depend on the availability of on-street parking spaces. He stated that he had been concerned about the problem of parking when he had decided to move to the subject neighborhood; and, before purchasing his property, he had carefully evaluated the neighborhood. He felt that approval by the Commission of commercial uses in a residential building would constitute a grave disservice to the neighborhood and the environmental quality of the city.

Bill Pearson, owner of property at 3489-99 Sacramento Street, stated that he had owned his property since 1963; and he indicated that parking problems in the area have worsened considerably since that time. He stated that he had petitioned for the installation of parking meters on Sacramento Street; and he had provided an off-street parking lot for people who visit his building. Although the parking lot is posted with "do not park" signs, patients visiting psychiatric offices in the area have parked their automobiles on his property; and, on occasions when the patient have been blocked by automobiles owned by other patients, they have phoned him to complain. He stated that merchants on Sacramento Street are being "strangled" by the parking problem; and he felt that it would be ludicrous for the Commission to approve conversion of the residential building on Laurel Street for doctors' offices since that conversion would increase parking problems in the area. Furthermore, he felt that the two commercial buildings proposed on the vacant properties fronting on Sacramento Street should not be allowed unless off-street parking is provided.

Carolyn Follett, 3508 Clay Street, stated that it used to be possible to park her automobile within one-half block of her home; but she has recently had to travel much farther distances to find a parking space. Whenever she has been shopping, she must double park in front of the house; and her neighbors and tradesmen do likewise. This situation could become very dangerous; and she urged that the Commission give consideration to the quality of residential life in the

subject neighborhood in acting on the building permit application for conversion of the subject building to doctors' offices.

Proctor Jones, President of the Presidio-Heights Association of Neighbors, stated that the members of his organization were opposed to any extension of the Sacramento Street commercial district along residential blocks in the area. While he recognized that the subject lot is and has been zoned for commercial use, he emphasized that it has always been used residentially; and if the psychiatrists intended to invest \$250,000 in the property, he felt that the proposed use would have to be regarded as a commercial operation. He stated that he had not attended the meeting when the possibility of a compromise was discussed; and he indicated that his association had previously gone on record indicating its willingness to effect a compromise by allowing the building on the subject property to be divided into four residential units. Furthermore, he felt that the property should be re-zoned for residential use. He stated that he operates a small business on Sacramento Street; and, as a result, he was aware of the effect of the parking problem on businesses in the area.

Gaylord Dillingham, owner of property at 3483-5 Sacramento Street, stated that he operates a small antique shop on the ground floor of his building and that he lives above the shop. He advised the Commission that his customers have complained about parking problems in the area; and he felt that use of any portion of the residential building at 316-318 Laurel by any doctors whatsoever would be inappropriate. He also indicated that he was concerned about the new office buildings being proposed on Sacramento Street which would attract a large number of automobile trips to the area each day.

Another businessman from Sacramento Street confirmed that customers visiting the area have difficulty finding parking places.

James Gault, 302 Laurel Street, remarked that the applicants, at a previous meeting, had stated that the Firemen's Fund Insurance Company is responsible for the parking problem in the subject neighborhood; and he indicated that he took issue with that assertion. He stated that Firemen's Fund has moved 50% of its staff to Marin County; and it provides 658 off-street parking spaces for the 1100 to 1200 people who work at its home office. He regarded Firemen's Fund as a good neighbor; and he did not feel that anyone in the meeting room had experienced any problems with employees from that firm parking on residential streets in the area. He also remarked that Firemen's Fund encourages car-pools and provides shuttle-bus service for its employees. He had checked the situation at Firemen's Fund last week and had found an ample amount of parking spaces to be available. The Korean Consulate, on the other hand, does cause traffic and parking problems for the neighborhood. Also, doctors, nurses and technicians from Children's Hospital and Hahnemann Hospital tend to "flood" the area. He felt that the parking situation had become desperate; and he felt that the neighborhood could not tolerate any additional parking congestion. He stated that residents of the neighborhood had looked at the possibility of compromise from all possible angles and had attended two meetings to see if an agreement could

be reached regarding a compromise. He stated that he is a lawyer and that compromise is an essential part of his professional activity; yet, while it might seem to be out of character, he had to report that the compromise which had been recommended by Mr. Murphy was totally unacceptable because the practical result of allowing occupancy of the building by six doctors would be no residential use of the building whatsoever. He stated that no family would wish to live in a building frequented by distressed patients; and he felt that it was clear that the psychiatrists were not anxious to have a family living in their building. Psychiatric offices and residential uses are mutually incompatible; and, even if a small apartment could be provided in the building, he expected that it would be occupied by a single individual and not by a family. He also remarked that provision of off-street parking spaces on the property to serve six doctors' offices would require removal of trees and shrubs along the southern property line; and an exquisite garden at the rear of the property would have to be torn up for the parking area. He felt that the compromise which had been offered by the psychiatrists was completely one-sided and provided nothing of benefit to the neighborhood; and he hoped that the permit application would be denied by the Commission. In conclusion, he asked that the remarks that he had made be considered relevant to the commercial buildings proposed for the northeast corner of Sacramento and Laurel Streets, also.

Dr. Joseph Satten stated that he would be able to walk to the subject building from his home; and he indicated that other psychiatrist who would have offices in the building are considering moving to San Francisco so that they will be able to walk to work, also. He emphasized that the property is zoned C-2 and that doctors' offices are a permitted use in that zoning district, not requiring any special authorization from the City Planning Commission. He recognized that parking is a problem in the subject neighborhood; but he felt that conversion of the building on the subject property to four residential units might generate as much traffic as the proposed doctors' offices. He noted that he had previously presented to the Commission his estimate of the traffic which would be generated by the proposed use. He summarized that analysis by stating that he had estimated that each of the psychiatrists would generate a maximum of nine or ten patients trips a day and that one-third to one-half of those patients would walk or use public transportation. He noted that both the applicants and residents of the neighborhood had been misadvised by the staff of the Department of City Planning; and, as a result, there were equities on both sides of the issue. When President Lau had requested the parties involved to meet together to determine whether a compromise could be reached, he and his associates had met with residents of the neighborhood to discuss the matter. However, he regarded compromise as a process in which consent is reached by mutual concession and where the needs of both parties are met to some extent. In that regard, he stated that the wish and need of the applicants was for medical offices; and he indicated that no concession had been made by residents of the neighborhood to that need. The only concession offered by the neighborhood was that the building could be divided into four apartment units. If he and his associates were real estate speculators, that compromise might have been acceptable; but they are doctors and their need is for office space. He distributed photographs of the existing offices of

some of his associates and stressed the fact that the offices are of high quality. While he recognized that parking is a problem in the area, he believed that a large part of the problem is caused by all-day parkers; and he did not know how to solve that problem. However, he felt that he and his associates were meeting their obligations by proposing to provide three off-street parking spaces on their property and by leasing six additional parking spaces elsewhere. Originally, they had planned to operate their offices without secretaries or a receptionist; however, because of the logistics involved, they might have to hire a receptionist to control use of the parking spaces. Residents of the neighborhood had also expressed concern about encroachment of the Sacramento Street commercial district into the adjacent residential area. In that regard, he noted that the City Planning Code provides that professional offices may be permitted as a transitional use in R-4 districts; and he indicated that he and his associates would be amenable to having their property rezoned to R-4 if permission were given to use the existing building for eight offices. The subject property would then become a transitional lot instead of the lot to the north; and it would stop the encroachment of commercial uses to adjacent properties in the future. In regard to occupancy of the building by families, he remarked that the building was not occupied by families even when it was in residential use. A couple had occupied the upstairs flat; and a woman and her elderly mother occupied the lower flat. While he believed that he and his associates were entitled to obtain approval for eight offices in the building, they would be willing to accept Mr. Murphy's recommendation for six doctors' offices and a 1,000 square foot townhouse with two bedrooms and two baths. He stated that he and his associates wanted the apartment to be attractive because it would have to command a high rental in order to make up for the loss of two offices. In conclusion, he stated that he continued to feel that he and his associates were entitled to their original proposal without modification and that the taking away of the lowest commercial use possibly for commercially zoned property was not property within the purview of the City Planning Commission. However, delays cost money; and, as a result, they were prepared to offer two compromises to the Commission. One compromise would be reclassification of the subject property to R-4 and authorization of eight medical offices in the building; and the second compromise proposal would be for six medical offices and one dwelling unit in the building.

President Lau stated that he had requested the Commission's Secretary to confer with the City Attorney's office regarding the Commission's jurisdiction in this matter; and he asked the Secretary to report on the results of that discussion.

The Secretary stated that he had talked with Robert Kenealey, Deputy City Attorney, and had been advised that there is no question but that the Commission has the authority to undertake a discretionary review of commercial uses proposed for commercially-zoned properties based on Section 26 of Part II of the San Francisco Municipal Code and based on a City Attorney's opinion rendered in 1954; and, in exercising its discretion, the Commission could approve the permit application, request the applicant to modify the permit application, or even disapprove the permit application if, in its sound judgment, it felt that sufficient evidence had been received to indicate that the proposed use of the property being considered would have a detrimental impact on the adjacent residential neighborhood.

Commissioner Starbuck stated he had researched State law and had come to the same conclusion. He then commented on an existing medical office building at 399 Laurel Street which contains ten offices but has nineteen doctors listed on its directory; and he asked Dr. Satten if such occupancy is customary in medical office buildings.

Dr. Satten replied that he was not in a position to comment on what other doctors do but he assured the Commission that he and his associates did not intend to sub-lease offices in the subject building. However, in making that pledge, he wished to avoid a situation in which restrictions would be applied to use of the property which would affect future owners of the building who might wish to operate differently. He remarked that he could not guarantee that he and his associates would always continue to own the building; and, by the same token, residents of the neighborhood could not guarantee that they will always reside in the area.

Commissioner Mellon asked if he was correct in understanding that Dr. Satten did not wish the Commission to apply any restrictions to the property which would apply to future owners. Dr. Satten replied in the affirmative.

President Lau asked if commercial uses exist on other residential side-streets in the neighborhood.

Robert C. Elkus, an attorney and part owner of the subject property, stated that he had "snaked" up and down the side streets between Presidio Avenue and Arguello Boulevard and had noted a number of commercially used properties north of Sacramento Street, most of which were doctors' offices. The commercial uses tend to extend one, two or three lots up the side streets; and only one or two of the side streets in the area reflect little or no commercial encroachment. Based on his survey, he felt that it was evident that commercial encroachment along the side streets has already taken place; and, as a case in point, he emphasized that property directly across the street from the subject site is used commercially. He advised the Commission that he had not received a copy of the letter which had been presented by Mr. Gault; and, as a result, he was not able to respond to the issues raised in that letter. He agreed that the Commission does have discretionary review authority; however, that authority must be used only on a reasonable and sound basis with regard to inappropriate uses; and he did not feel that the proposed use of the subject property was inappropriate.

Mr. Lowry asked if the side streets in the area other than Laurel Street are zoned R-1. Mr. Steele replied that most of the area is zoned R-1 with the exception of the southerly portions of lots between Sacramento and Clay Streets which are zoned C-2.

Mr. Jones stated that he is familiar with side streets in the area; and he indicated that he was aware of only a few commercial uses on the side streets, most of which are on commercially zoned properties which also front on Sacramento

Street. While the applicants had represented to the Commission that they had proceeded in good faith, he had been told that they had already performed construction work in the building without the benefit of a permit. If so, he regarded that as a bad faith beginning and questioned how much good faith residents of the neighborhood could expect from the applicants in the future. In conclusion, he stated that any commercial use approved for the building could later degenerate into a more disruptive commercial activity; and he urged that the permit be disapproved.

Dr. Satten stated that it was his understanding that issuance of a permit for occupancy of the building by eight doctors' offices would limit the occupancy to that specific number of offices. Mr. Murphy confirmed that the granting of the permit would impose such a limitation.

Dr. Satten then acknowledged that work had been done inside the building by the contractor. Such preliminary work in expectation of the granting of a building permit is common; but he agreed that the contractor in the present case may have a problem.

Mr. Murphy recommended the adoption of a draft resolution which contained the following resolve:

"THEREFORE BE IT RESOLVED, That the City Planning Commission finds that the public necessity, convenience and general welfare require that Building Permit Application No. 455531 be DISAPPROVED unless the applicants modify said application in a manner that would result in the retention of one dwelling unit having at least two bedrooms for residential occupancy only, and the conversion of the remainder of the building into a maximum of six offices for not more than six psychiatrists or companion professionals dealing in the treatment of mental, emotional or behavioral disorders of individuals subject to the following conditions:

- "1. No change shall be made to the exterior of the subject building that would detract from its present residential character, and any signs, other than house numbers, placed on the building shall be limited to one non-projecting, non-illuminated nameplate having a maximum area of one square foot.
- "2. A document, in a form approved by the Zoning Administrator, giving notice of the restrictions on the commercial occupancy of the subject building contained in this Resolution shall be executed by the owners of the subject property and recorded in the office of the County Recorder prior to the approval of the subject application by the Department of City Planning."

Commissioner Bierman remarked that the Commission does have the authority to exercise its discretion in the review of each individual permit filed, taking into consideration the effect which the proposed use might have on the surrounding neighborhood. If the applicants had proposed only four medical offices in the subject building, the deliberations of the Commission might have been more difficult. But six or eight offices in the building would generate a great deal of traffic and cause other problems; and she felt that the use would be extremely detrimental to the neighborhood. She emphasized that San Francisco needs more residential units; and she noted that the residents of the neighborhood had stated that conversion of the building to four residential units would be acceptable. Under the circumstances, she moved that a new draft resolution be prepared providing the basis for disapproval of the permit application. The motion was seconded by Commissioner Dearman.

President Lau remarked that the legal authority of the Commission was clear; and he was satisfied that the proposed use would have a sufficiently detrimental effect on the neighborhood in terms of parking and a high level of commercial activity to justify disapproval of the application.

When the question was called, the Commission voted unanimously to indicate its intention to disapprove the permit application and to request that a draft resolution of disapproval be prepared for adoption at next week's meeting.

At 4:15 p.m. President Lau announced a 10-minute recess. The Commission reconvened at 4:25 p.m. and proceeded with hearing of the remainder of the agenda.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATIONS NOS. 454352 AND 454353 FOR TWO SINGLE-FAMILY HOUSES AT 65 AND 71 BELGRAVE AVENUE.

(UNDER ADVISEMENT from City Planning Commission meetings of February 5, March 4, 1976.)

President Lau announced that this matter would be postponed until the meeting of March 18, 1976, at 2:30 p.m. in accordance with a request made by the applicant.

DR76.4 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATIONS NOS. 452024 AND 454650, EACH A THREE FLOOR COMMERCIAL BUILDING WITHOUT OFF-STREET PARKING AT THE NORTHEAST CORNER OF SACRAMENTO AND LAUREL STREETS. (3480 AND 3496 SACRAMENTO STREETS.)

James Reilly, attorney for Mike Pietro, one of the applicants, expressed the opinion that the Commission had no jurisdiction over building permit application No. 452024. He stated that the permit had been issued before the request for discretionary review had been filed; and, after receiving the request for discretionary review, the staff of the Department of City Planning had requested

that the permit be suspended. An appeal of the issuance of the permit had been filed with the Board of Permit Appeals; and that Board, which had met on the previous evening, had taken the matter under submission pending receipt of advice from the City Attorney regarding jurisdictional authority of that Board versus the City Planning Commission. According to his interpretation of the Charter and City Planning Code, the City Planning Commission, which had delegated its authority for approval of the building permit application to the staff of the Department of City Planning, had lost jurisdictional authority when the permit was issued. After that point, valid appeals could be made only to the Board of Permit Appeals; and such appeals have the effect of staying all other proceedings before official agencies. Therefore, the members of the City Planning Commission had rights only as private citizens before the Board of Permit Appeals.

Robert Passmore, Planner V (Zoning), stated that he had discussed the points raised by Mr. Reilly with Robert Kenealey, Deputy City Attorney. In general, the remarks which had been made by Mr. Reilly were correct; but his emphasis differed somewhat from that of the City Attorney. Both permit applications had been brought before the Commission because of a request made by the Presidio Heights Association of Neighbors and because the two are in a sense "companion" applications. When the request for discretionary review was received, the staff of the Department of City Planning had not been aware that one of the permits had already been issued; and, in requesting suspension of that permit, they had advised the applicant of his right to appeal to the Board of Permit Appeals. As long as that appeal was pending before the Board of Permit Appeals, the Commission could not act upon Building Permit Application No. 452024; but it could consider the matter and offer its recommendation to the Board of Permit Appeals.

Robert Beach, representing the Presidio Heights Association of Neighbors, acknowledged that there was some question as to the present jurisdiction over Building Permit Application No. 452024; but even if the City Attorney should decide that jurisdiction rests with the Board of Permit Appeals, he felt that the City Planning Commission, as a subordinate agency, could offer its formal recommendation on the matter to that Board. He urged the Commission to proceed with consideration of both permit applications.

Mr. Reilly advised the Commission that his client needs only two votes if jurisdiction is in fact vested in the Board of Permit Appeals; and he felt that the opposition was making an effort to take away that procedural right.

Commissioner Bierman asked if the Board of Permit Appeals had asked the City Planning Commission for its advice. Mr. Beach replied in the negative, indicating that the Board had taken the matter under submission in order to determine who actually has jurisdiction over the permits; but the Board had been aware that the City Planning Commission was scheduled to consider both building permit applications during the present meeting.

President Lau stated that the Commission would proceed to consider both building permit applications; and the Board of Permit Appeals could decide whether any recommendations concerning Building Permit Application No. 452024 were being offered by the Commission as a body or by individual members of the Commission as private citizens.

Mr. Passmore referred to land use and zoning maps to describe the subject properties. 3492 Sacramento Street, which has a frontage 41.25 feet on Sacramento Street and 62 feet on Laurel Street, is vacant. The property at 3480 Sacramento Street, which also has a frontage of 41.25 feet on Sacramento Street and a depth of 62 feet, is vacant except for a small one-story shed. Both lots were previously occupied by a gasoline service station. The applicants were proposing two completely separate commercial buildings, each consisting of two floors contemplated for rental as office space over ground floor retail commercial space located approximately two feet below the adjacent Sacramento Street grade. Each building would be 35.5 feet high and would contain approximately 4950 square feet of occupied floor space. Neither building would have off-street parking. Entrances to the ground floor levels of both buildings and the upper floors of 3480 Sacramento Street would be on Sacramento Street; 3492 Sacramento Street would also have an entrance to the upper floors on Laurel Street. The architect had used architectural detailing on the street facades of both buildings which was intended to reflect the architectural character of older buildings along Sacramento Street. Both buildings would comply with minimum standards of the City Planning Code applicable to C-2 zoning districts.

Mr. Passmore stated that the discretionary review of the two building permit applications had been requested by Robert Beach, Zoning Chairman of the Presidio Heights Association of Neighbors; and Proctor Jones, President of that organization, had amplified the request in a letter to the Commission dated March 4, 1976, by listing the following reasons for the association's request:

- "1. Lack of notice to residents or the Association of the resubdivision of property into the present lot pattern,
- "2. Lack of off-street parking for the proposed buildings in an area which currently has a parking problem,
- "3. Inadequate architectural treatment of the northern, rear facades of the proposed buildings, and
- "4. Services damage to neighborhood shopping residential concept of Sacramento Street that may be caused by the unknown number of offices on upper floors of the buildings."

Mr. Passmore continued his report as follows:

"The subject lots were part of a three-lot subdivision that also involved 316-318 Laurel Street recorded on July 8, 1975. Thereafter

Pietro & Sons purchased all three lots, but subsequently sold 3492 Sacramento to Milton Vrionis and 316-318 Laurel Street to another party. Pietro & Sons filed Building Permit Application No. 452024 about October 3, 1975; that application was approved by the Department of City Planning on December 9, 1975, and a building permit was issued by the City Planning on February 25, 1976. Milton Vrionis filed Building Permit Application No. 454650 about December 16, 1975; that application was approved by the Department of City Planning on January 29, 1976, but no building permit has been issued by the City. The issuance of the permit pursuant to Application No. 452024 was appealed Board of Permit Appeals by Mrs. Margaret Gault, and subsequently the permit was suspended by the Superintendent of Building Inspection to allow the hearing of that appeal and the review by the City Planning Commission. The Board of Permit Appeals continued its hearing of that appeal on March 10, 1976, to allow the recommendations of the Planning Commission to be made available to the Board. The proposed conversion of 316-318 Laurel Street to medical offices under Building Permit Application No. 455531 was reviewed under the discretionary powers of the Planning Commission on February 26, 1976, and that review was continued to March 11, 1976.

"No off-street parking is required for commercial buildings having an occupied floor area as defined under Section 102.10 of the City Planning Code of less than 5000 square feet. For buildings having an occupied floor area of 5000 square feet or more, the ratio of required parking spaces to square feet of occupied floor area is 1 to 500 for retail commercial and general office space, 1 to 300 for professional office space, and 1 to 200 for restaurant space."

Mr. Beach confirmed that he had requested a discretionary review of both applications; but he emphasized that he also had the support of merchants and residents of the neighborhood. He requested that all of the testimony submitted during the Commission's consideration of DR76.2, the discretionary review of Building Permit Application No. 455531 for the proposed conversion of a two-unit dwelling at 316-318 Laurel Street to offices, be considered as part of the record of the present proceedings and that the petitions which had been submitted during the previous hearing be transmitted to the Board of Permit Appeals. He advised the Commission that a petition with the following statement had been signed by owners of businesses on Sacramento Street between Presidio Avenue and Spruce Street:

"The undersigned are owners of businesses on Sacramento Street in the blocks between Presidio, Walnut, Laurel, Locust and Spruce Streets. We are opposed to the proposed conversion of the residential flats at 316-318 Laurel Street to commercial use. We are equally opposed to any development of the northeast corner of Laurel and Sacramento Streets (Lot 16, adjacent to the residential flats) which does not provide residential space and off-street parking, and specifically we object to more offices for doctors, psychiatrists and psychologists.

We are in favor of a development which serves our neighborhood generally, which will not import a temporary and non-residential population, and which will not increase the already overburdened traffic and parking problems. We support a development for people who will live in and participate in our neighborhood."

Mr. Beach noted that no specific uses of the upper floors of the proposed buildings had been indicated on the plans; however, if that space were to be used for offices for psychiatrists, a great deal of traffic would be generated. He was also concerned about the fact no notice had been given when the original lot was subdivided into three lots in July, 1975; and, although the official Block Books in the Department of City Planning had contained a notation to contact him with regard to possible discretionary review of any proposed development of the property, he had not been contacted when the subject permit applications had been filed. He understood that the staff had advised the applicants that his concern probably related to the possibility of construction of a large apartment building on the site, but that was not true; and, in any case, it was not in the purview of the staff to make that determination. Each of the proposed buildings would have a gross floor area of approximately 7200 square feet; but both applicants had deducted more than 2000 square feet of floor area so that the net floor area of the buildings would fall below 5000 square feet, qualifying them for exemption from the City Planning Code's parking requirements.

Commissioner Dearman asked why Mr. Beach or other residents of the neighborhood had not appealed the negative declarations which had been issued by the staff of the Department of City Planning for the proposed buildings. Mr. Beach replied that they had not been aware that the negative declarations had been issued.

Commissioner Finn asked how long Mr. Beach had known that the subject properties were vacant and that they were zoned for commercial use. Mr. Beach replied that he had known that the properties were zoned commercially for as long as he could remember; and he believed that the lots have been vacant for approximately four years. He advised the Commission that there had been many neighborhood discussions about what might happen to the property; and the concept of developing a mini-park on the site had been discussed with the previous owner of the property who had indicated that she could not undertake such a project. After she had died, the property had been sold. He stated that he had no objection to commercial use of the two subject lots, particularly if commercial use consisted of small shops on the ground floor level; but he objected to the upper floors of the proposed buildings and the lack of any off-street parking spaces.

Bill Pearson, owner of property 3489-99 Sacramento Street, acknowledged that residents and businessmen in the area had always recognized the fact that the subject lots are zoned for commercial use; however, they had also thought that the properties were part of a larger single lot which also encompassed the re-

sidential building to the north. However, as soon as the property had been acquired by the new owner, the property occupied by the residential building had been separated from the lot; and, subsequently, the remaining vacant portion of the lot had been subdivided into two lots, each of which was small enough that no parking would have to be provided for any new development. He stated that he was not opposed to ground floor commercial uses on the lots; but he was opposed to two floors of doctors' offices above the ground floor retail space, particularly if no off-street parking were to be provided. He advised the Commission that Laurel Village, the commercial shopping center on the south side of California Street, had forbidden its employees to use the shopping center's parking lot; and, as a result, those employees park north of California Street and leave their automobiles on the street all day. Given the serious parking problem in the area, he felt that it would be inadvisable for the Commission to allow construction of the proposed buildings without off-street parking. Furthermore, he felt that neighboring property owners should be given notice in the future when lots are sub-divided so that they will not be taken by surprise as in the present case.

At this point in the proceedings, Commissioner Rosenblatt absented himself from the meeting room for the remainder of the meeting.

Commissioner Bierman asked if lot splits can be effected without benefit of public notice. Mr. Murphy replied in the affirmative, indicating that such matters are handled by the Department of Public Works.

Commissioner Bierman then asked about the failure of the staff to notify Mr. Beach of proposed development of the site in accordance with the note in the official Block Books. Mr. Murphy replied that the staff should have given notice to Mr. Beach when it became aware of the proposals of development of the site.

Margaret Gault, 302 Laurel Street, stated that she had written to the Department of City Planning in July, 1975, requesting that a discretionary review be held whenever any development was proposed for properties which she had believed to be a single lot. At that time, she had been advised that it would be inappropriate to request discretionary review before the lot had been subdivided. She had not specifically asked to be advised about the subdivision itself; but she had expected that the questions raised in her letter would be answered. However, she had received no response. Several months elapsed. Finally, in December, she had again checked with the staff regarding the subdivision; and she had been advised that the subdivision had not yet taken place. Following the meeting of the City Planning Commission on February 19, she had been talking with the owner of the property at 316-318 Laurel Street; and it was then she had learned that the lot had in fact been subdivided last July.

Proctor Jones, President of the Presidio Heights Association of Neighbors, concurred with the remarks which had been made by previous speakers relative to traffic and parking problems in the neighborhood. However, he did not understand how the applicants could be proposing a total of 15,000 square feet of commercial space and yet be claiming a net floor area of only 9,000 square feet;

and it seemed to him that the basic objectives of the applicants in making that paper reduction of floor space was to avoid the off-street parking requirements of the City Planning Code. He asked if the "so-called" storage rooms in the proposed buildings would be big enough to be used as office space; and, if so, he wondered what assurances could be given to residents of the neighborhood that the buildings would not in fact be occupied by 48 doctors rather than 24 doctors. He urged the Commission to look carefully into those issues.

Paul A. Renne, an attorney and a Director of the Presidio Heights Association of Neighbors, noted that the Commission had already disapproved a building permit application for conversion of the residential building on an adjacent lot into psychiatrists offices; and he felt that the features of that use which the Commission had regarded as being detrimental to the neighborhood could be applied to the subject building permit applications, also. He believed that construction of two new medical office buildings on adjacent lots would have a far greater impact on the neighborhood than conversion of a single building to six offices. He stated that he was not aware that anyone in the neighborhood had been advised of the issuance of negative declarations for the proposed buildings; and, in any case, the negative declarations were probably issued separately and would have not taken into account the combined impact of the two buildings. He stated that residents of the neighborhood were not taking the position that the subject properties should remain vacant; however, if doctors' offices are to be provided, they felt that off-street parking should also be provided on the site.

Commissioner Dearman stated that she was concerned about the possibility that the applicants might do something other than was presently being proposed with the storage space if the permits were issued; and she asked if the staff was aware of that possibility. Mr. Passmore acknowledged that such practices have probably taken place in the past.

Gaylord Dillingham, owner of property at 3483-85 Sacramento Street, stated that Mr. Pietro, presently the owner of one of the lots, had previously initially purchased the entire parcel. Subsequently, he had sold the property occupied by the residential building; and then he had subdivided the remaining vacant property into two lots. In his opinion, one of the reasons for the subdivision of the larger lot was to avoid the off-street parking requirements of the City Planning Code. He believed that construction of a total of 24 offices without a single off-street parking space would have a devastating effect on the Sacramento Street commercial district and on the adjacent residential area.

John Lowry, 315 Laurel Street, stated that he was also concerned about the type of ground floor used which would be installed in the proposed building. The C-2 zoning of the property would permit a wide range of commercial uses including restaurants, savings and loan institutions, retail shops, etc.; and he felt that some of those uses could be extremely detrimental to the adjacent residential area. Under the circumstances, he felt that it would be desirable if the nature of the commercial uses permitted could be restricted.

Commissioner Bierman, noting that no specific uses were being proposed for the subject buildings, asked if it is customary for developers to be so indefinite when reviewing their plans with the Department of City Planning. Mr. Passmore replied that while developers might prefer to have specific tenants in mind for projects which they are proposing, it is not unusual for commercial buildings to be proposed without particular uses being indicated. In any case, commercial uses may change over time subject to the ability of an owner to convert his building.

Commissioner Bierman stated that she agreed with Mr. Lowry that some of the uses which might be permitted in a C-2 district could have an extremely detrimental impact on the neighborhood; and she asked if any restrictions could be replaced on the use of the proposed buildings. Mr. Passmore stated that the staff of the Department of City Planning does not have the ability to apply stipulations regarding occupancy of commercial buildings; however, such stipulations could be established by the City Planning Commission through exercise of its discretionary review authority.

Mr. Lowry felt that the uses on the ground floor of the proposed building should be restricted to the class of uses indicated in the City Planning Code as requiring one off-street parking space for each 500 square feet of floor area.

Commissioner Finn asked if the Department of City Planning has a "rule of thumb" relating to the designation of storage space on plans for new buildings. He remarked that the net floor space indicated on plans for each of the proposed buildings was so close to the 5,000 square foot limit that it appeared that the applicants might have been attempting to avoid or evade the Code requirement for provision for off-street parking.

Mr. Passmore stated that Section 102.10 of the City Planning Code lists a number of features which may be exempted from computations of occupied floor area. Generally speaking, commercial buildings which are designed for rental purposes end up with approximately 20% of their gross floor area in storage; and, as a result, when plans are being reviewed which are not designed for specific tenants, the staff has indicated to developers that reservation of 20% of the gross floor area for such purposes would be acceptable. In such cases, the excepted floor area must be indicated on the plans in a general way. The expectation is that the staff of the Department of City Planning will review subsequent applications to determine that a comparable amount of exempted space is in fact provided in the building; but such control eventually becomes impossible. He stated that he was aware of specific buildings where the 20% ratio of storage to total floor area had been reduced to a lower ratio, after changes in the initial occupancy.

Mr. Reilly stated that his client had been dealing with the Department of City Planning almost one year; and he felt that the Commission had a responsibility to assure a certain continuity in the way that the law is applied. In reply to a question raised by Commissioner Starbuck, he stated that the building permit application for Mr. Pietro had been issued on February 25, 1976; but he emphasized that his client had been in contact with the Department of City

Planning since May, 1975. At that time, Mr. Pietro had been interested in the subject property and had discussed development possibilities with the staff of the Department of City Planning. The staff had said that a single large building would not be acceptable but that small retail buildings designed in a Victorian style would be appropriate. Relying on that advice, he had purchased the larger parcel of property for \$235,000. Subsequently, he had spent \$5,000 for preparation of plans for the two parcels of property presently under consideration and had filed building permit applications for the projects. Both of the building permit applications had been approved by the staff of the Department of City Planning; and one of the permits had been issued by the Central Permit Bureau.

Mr. Reilly advised the Commission that it would be impossible for his client to provide off-street parking because of the small size of his lot and the small size of the building being proposed. In the present instance, residents of the subject neighborhood were of the opinion that off-street parking should be provided; but he had had a different experience with another client who wished to provide off-street parking for a savings and loan facility in the West Portal area where community representatives had objected to the provision of off-street parking. He emphasized that the law provides that no off-street parking is required when less than 5,000 square feet of usable office space is being constructed in C-2 districts; and he noted that both of the proposed buildings would meet that criterion. Furthermore, the staff of the Department of City Planning had issued negative declarations for both buildings. The Commission was now considering the applications under its discretionary review authority; and he felt that the Commission would not be exercising its discretionary authority in a sound manner if it were to rule on the basis of the neighborhoods bias relative to off-street parking instead of on the basis of the law.

Commissioner Bierman pointed out that neighborhood representatives had clearly been concerned about the subject properties since last July. Misinformation had been given to them as well as to the applicants by the staff of the Department of City Planning; and the staff had failed to advise residents of the neighborhood of the lot split and of the fact that building permit applications had been filed. Because of those problems, the matter had been brought before the Commission for discretionary review; and the responsibility of the Commission was to resolve the issue in an equitable manner.

Mr. Reilly, commenting on the fact that the Commission had totally disapproved the building permit application for conversion of the residential building to the north to doctors' office, stated that he feared that the Commission had a predeposition to take a similar action on the building permit applications presently under consideration; and he assured the Commission that he would appeal to the courts if the permits should be disapproved in order to test the legality of the Commission's exercise of its discretion.

Mr. Pearson remarked that while Mr. Pietro may have paid \$235,000 for the larger parcel of property, he had later sold a portion of the site occupied by a residential building for \$135,000; and, as a result, he would not suffer a total loss if the building permit applications were denied.

Mike Pietro, one of the applicants, advised the Commission that the staff of the Department of City Planning had been consulted continuously since he had become interested in the subject property. Initially, he had talked with Mr. DeVelbiss of the staff and had been advised that a large apartment house would not be appropriate for the site. He had mentioned the possibility of dividing the property; and Mr. DeVelbiss had indicated that subdivision would be acceptable. Subsequently, the subdivision map was signed by Mr. Rieke of the Department of City Planning. At that point, he had hired an architect; and plans for the proposed building were discussed with and approved by the staff of the Department of City Planning. At that time, he was assured the building permit applications would be approved. He informed the Commission that he has been a builder in San Francisco for twenty years; and he believed that disapproval of building permit applications such as those presently under consideration by the Commission would drive builders out of San Francisco. Furthermore, since he had made every effort to coordinate with the Department of City Planning, he felt that it would be unfair for the Commission to require that the proposed buildings be reduced from three stories in height to one story. Even if his entire lot were to be used for parking, it would accommodate only six automobiles. He emphasized that other ground floor retail uses on Sacramento Street do not provide off-street parking; and he felt that off-street parking should also be required for those businesses if the Commission were to require that off-street parking be provided for the subject buildings. He acknowledged that there is a parking problem in the subject neighborhood; but he stressed the fact that the proposed buildings would comply with the law. Unless the law is upheld, builders will not know where they stand. At the present time, he has an investment of approximately \$150,000 in the properties including money spent for plans and interest; and if he had known in advance of the problems which he was to experience, he would not have purchased the property in the first place. If residents of the neighborhood were really concerned about the development of the properties, he suggest that they might consider buying them. He stated that he did not enjoy having to leave his work to appear before the Commission; and he stated that he would not build any more buildings in San Francisco if he felt that he would have to go through similar procedures each time. In conclusion, he stated that he felt that the staff of the Department of City Planning was really at fault since they had not advised him of the neighborhood's concern or advised the neighborhood that the proposed projects were being considered.

Commissioner Bierman advised Mr. Pietro that the Commission had approved what seemed to her an amazing amount of new construction in the last month; however, in most cases, the projects had been carefully planned in consultation with neighborhood representatives. Under the circumstances, she did not feel that the Commission could be regarded to have an "anti-development" bias. However, in the present instance, residents of the subject neighborhood were given

poor advice or no advice at all; and she felt that that situation must be remedied. In conclusion, she stated that Mr. Pietro should recognize that some sort of development can be authorized for the subject lots since not a word had been said to the contrary during the course of the public hearing.

Mr. Reilly remarked that the notation in the Block Books in the Department of City Planning specifying that Mr. Beach should be notified of any proposed development of the property for possible discretionary review was undated; and, as a result, it could have been entered on the books at any time.

Commissioner Bierman replied that Mr. Pietro had previously stated that he had seen the notation in the Block Books last year. Mr. Pietro confirmed that he had seen the notation and had inquired about it; but the explanation offered had proved to be erroneous. He stated that he did not know how he would be able to satisfy the neighborhood's request for off-street parking and for deletion of the offices from the plans.

President Lau asked Mr. Pietro if he felt that it would be worthwhile for him to sit down with residents of the neighborhood to see if any agreement could be reached regarding a possible compromise. Mr. Pietro replied that he would much rather sit down with representatives of the neighborhood and the staff of the Department of City Planning than to be arguing his case before the Commission. However, he felt that such a discussion should be entered honestly and with the realization that it would not be possible for him to provide sub-surface parking on his lot because the ramp to such parking would ruin the street level retail space in the proposed building, given the fact that his lot has dimensions of only 42 feet X 60 feet.

President Lau then asked Mr. Beach if he and other representatives of the neighborhood would be willing to meet with Mr. Pietro. Mr. Beach replied that it was difficult for him to respond to President Lau's question. He noted that petitions had been signed by more than 600 residents and businessmen in the area in opposition to the proposed buildings. Furthermore, he had talked to Mr. Pietro in the hall after the Commission's meeting last week; and Mr. Pietro had chosen to take the position that the two lots must be dealt with separately since they are presently in separate ownership. He felt that the property had been purposely subdivided in order to avoid the City Planning Code requirement for provision for off-street parking; and he believed that arrangements could be made for provision of off-street parking if the applicants would be willing to coordinate their plans. However, if they continued to refuse to work together, he felt that no solution to the problem could be achieved because it was clear that they could not individually provide parking on such small lots. His preference was that the Commission should disapprove both building permit applications at the present time; and, subsequently, representatives of the neighborhood would be willing to meet with the applicants to see if agreement could be reached regarding alternate plans.

Mr. Pietro stated that he would be willing to discuss the matter further with Mr. Vrionis, the owner of the other parcel of property, and Mr. Passmore

of the staff of the Department of City Planning; however, he felt that it was doubtful that they would be able to work out any compromise with the neighborhood organizations.

Mr. Vrionis, who was present in the audience, stated that it was an absolute lie that the property had been subdivided in order to avoid the parking requirements of the City Planning Code.

President Lau requested both Mr. Pietro and Mr. Vrionis to meet with residents of the neighborhood and with representatives of the staff of the Department of City Planning and to report back to the Commission at a later date.

Mr. Passmore suggested that it might also be appropriate for the Commission to request the Board of Permit Appeals to continue their hearing on Building Permit Application No. 452024 until the Commission has completed its review of that application.

Mr. Reilly stated that he would have no objection to such a request; but he felt that the Commission should be aware that the Board of Permit Appeals' jurisdiction has a duration of only 40 days. In response to a comment made by Mr. Passmore, he acknowledged that delays could be of benefit to his client; but he indicated that he had felt that the Commission should be aware of that aspect of the situation.

Mr. Jones stated that he hoped that the proceedings had impressed upon the developer that the courteous thing for him to have done would have been to contact residents of the neighborhood to familiarize himself with their concerns. He emphasized that the Presidio Heights Association of Neighbors is not opposed to commercial development on Sacramento Street but that it is concerned about certain types of commercial development on that street; and he indicated that representatives of his organization would be willing to meet with the applicants and the staff of the Department of City Planning to discuss the situation.

Mr. Vrionis stated that he is a real estate broker; and he advised the Commission that he had placed two "for sale" signs on the subject property after they had been subdivided. Yet, no one from the neighborhood had called his office to inquire about the status of the properties.

After further discussion, it was moved by Commissioner Mellon, seconded by Commissioner Finn, and carried unanimously that this matter be taken under advisement until the meeting of April 1, 1976, at 4:00 p.m.

At this point in the proceedings, Commissioners Dearman and Mellon absented themselves from the meeting room for the remainder of the meeting.

R118.76.3 - TENTATIVE MAP FOR CONDOMINIUM CONVERSION SUBDIVISION AT
3255 BRODERICK STREET INTO 17 UNITS.

Alec Bash, City Planning Coordinator, described the subject property as a rectangular parcel with frontages of 75 feet on Broderick Street and 93.75 feet

on Francisco Street for a total area of 7,031 square feet. The property is zoned R-3 and is subject to a 40-X height and bulk district; and it is occupied by an eighteen unit apartment building. The applicant proposed to convert the existing eighteen unit apartment building into eighteen condominium units. The building consists of three residential levels over a garage level, which includes thirteen independently accessible parking stalls and four tandem stalls. The building was constructed in 1929. The subdivider purchased the building in March, 1975, and has repainted surfaces and refinished floors and modernized kitchens in the majority of the units. At the time of purchase, the rentals ranged from \$155 to \$265 per month. The present tenants are predominately new since that time and are on month-to-month leases. Present rental prices are \$215 to \$220 for the six studio size units, \$280 to \$400 for the eleven one-bedroom units, and \$415 for the two-bedroom unit. Projected sale prices range from \$25,000 to \$64,000. Mr. Bash stated that the Commission, in considering a subdivision application, must determine whether any units to be converted are part of the city's low-or moderate-income housing stocks; and, if any units are found to be so, then the price of the units upon conversion must not remove them effectively from such housing stocks. Based on the analysis of the staff of the Department of City Planning, the six studio or studio size units are and would remain within the city's moderate income housing stocks. The eleven one-bedroom units and the two-bedroom unit are not considered as being within the low-or moderate-income housing stocks at the present time.

Kingman Ho, 2265 Bay Street, asked what effect the proposed condominium subdivision would have on his property. Mr. Bash explained that Mr. Ho had received a notice of the Commission's hearing because he owns property within 300 feet of the subject site.

Karl Kinney, Jr., the applicant, indicated that he was present to respond to any questions which might be raised by members of the Commission.

Don Olsen, a tenant in the subject building, stated that he and his wife had moved into the building in September of last year; and he indicated that other individuals, mostly young couples and people of retirement age, had moved into the building more recently. Since most of the tenants had lived in the building for less than eight months, it did not seem fair that the owner should already be raising rents and trying to move people out. He stated that he and his wife were not able to afford to purchase a home or an apartment; and, for that reason, they were renting. Yet, even rents are high; and many of his college friends have moved out of the city because of the high cost of housing in San Francisco. As a minimum, he requested that present tenants of the building be given from six to eight months to vacate the premises. He remarked that he and his wife had had to install carpets in and provide curtains for their apartment; and he felt that they should be given some reasonable amount of time to amortize those expenses.

Commissioner Bierman asked if the Subdivision Ordinance provides any protection to tenants in terms of the amount of time that they are given to relocate.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), replied in the negative but indicated that it may take as long as six months for an applicant to obtain approval of a condominium subdivision. He also remarked that the Commission could adopt a condition specifying that the applicant in the present instance should give present tenants of the building a reasonable time in which to relocate.

Commissioner Bierman then asked how many tenants of the building were concerned about the proposed condominium conversion. Mr. Kinney replied that he had notified all of the tenants of the proposed conversion several weeks ago by letter; and, to his knowledge, Mr. Olsen and his wife were the only tenants who were upset by the proposal. He felt that his letter, which had effectively given tenants a six months notice, was adequate. He stated that five of the present tenants had already approached him with regard to possible purchase of their units.

Mr. Olsen asked Mr. Kinney if he would guarantee that he and his wife would be given a reasonable amount of time to relocate. He indicated that a six months' relocation period would probably satisfy his minimum needs. Mr. Kinney replied that he would be willing to meet with Mr. Olsen to discuss a fair compromise.

Another Tenant of the building stated that other tenants had been present in the meeting room earlier in the afternoon but had been forced to leave because of the hour. She stated that they wished to be given some assurance that they would be given more than a one month's notice to vacate their apartments.

Mr. Steele recommended that the proposed condominium conversion subdivision be approved as consistent with the master plan subject to six conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. He then summarized the conditions contained in the draft resolution and recommended that Condition No. 3 be amended to read as follows: "The present tenant or tenants of any units to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied, as required by Section 1385 (d) of the Subdivision Code. In any case no tenant will be required to leave the property before October 1, 1976."

Mr. Kinney indicated that he had made a substantial investment in the building; and he emphasized that several of the present tenants are anxious to purchase their units as soon as possible. He stated that he was perfectly willing to allow the tenants in the audience to remain in their units for up to six months and to help them to relocate; but he did not feel that it would be fair for the Commission to hold up the entire project for six months.

Mr. Steele replied that the text of Condition No. 3 of the draft resolution, as amended, would not prohibit people from leaving the building if they wished or from purchasing their units prior to expiration of the six-month period; and, as a result, he did not feel that it would hold up the project.

After further discussion, it was moved by Commissioner Finn, seconded by Commissioner Starbuck, and carried unanimously that the draft resolution, as amended, be adopted as City Planning Resolution No. 7459.

R118.76.2 - TENTATIVE MAP FOR CONDOMINIUM SUBDIVISION AT 1520 TAYLOR STREET INTO 31 UNITS.

Ralph Gigliello, Planner II, referred to land use and zoning maps to describe the subject property which is a rectangular parcel with frontages of 75 feet on both Taylor Street and Himmelman Place and a depth of 125 feet for a total area of 9,375 square feet. The property is zoned R-4 and is subject to a 65-A height and bulk district. A 31-unit apartment building is presently under construction on the site. The proposal was to convert the 31 units into condominiums. The building would have access onto Taylor Street and would consist of six levels of residential occupancy over ground floor and basement parking levels. There were four studios, five one-bedroom units, nineteen two-bedroom units and three three-bedroom units. Sale prices are anticipated to range from \$33,000 for a studio to \$200,000 for a three-bedroom unit.

Bradford McNut representative of the subdivider indicated that he was present to answer any questions which might be raised by members of the Commission.

No one else was present in the audience to address the Commission on this matter.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the proposed condominium subdivision be approved as consistent with the Master Plan subject to two specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion it was moved by Commissioner Finn, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7460.

**CU75.62.- 175 QUINT STREET AT THE NORTHEAST CORNER OF CUSTER STREET.
REQUEST FOR AUTHORIZATION TO OPERATE AN AUTOMOBILE WRECKING
YARD; IN AN M-2 DISTRICT.**

(Postponed from meeting of March 4, 1976.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has frontages of 240 feet on Quint Street and 150 feet on Custer Street for a total area of 36,000 square feet. The applicant proposed to use the subject property as a part of his existing automobile dismantling and parts sales business at 389 Quint Street at the northwest corner of Army Street. Storage and dismantling would take place on both lots under combined management by the owner. He

stated that the City Planning Commission had disapproved a previous application for automobile dismantling on the subject property on March 6, 1975. The primary reason for that disapproval was the then imminent purchase of the property for the expansion of the City's Southeast Wastewater Treatment Plant. However, it was decided shortly after the disapproval that the treatment plant could be accommodated entirely south of Army Street and that the subject property would not be acquired. Although appeals from that disapproval were not entirely successful, a fence had been constructed around the subject property; and the lot is now used for storage of automobiles to be dismantled.

Commissioner Starbuck, noting that the Commission had previously received a letter from the Bayview-Hunters Point Coordinating Council requesting that hearing of this matter be postponed from the meeting of March 4, observed that there was apparently no one present from that organization in the audience; and he asked if any further correspondence had been received from that organization. Mr. Steele replied in the negative but indicated that Douglas Holmen of the staff of the Department of City Planning, who acts as liaison to the South Bayshore area, had submitted a memorandum which read as follows:

"It was moved and passed at the Bayview-Hunters Point Community Coordinating Council meeting yesterday to allow the proposed project at 175 Quint Street provided that the owners adhere to the Planning Commission's conditions placed on the development.

"It was the consensus of the group that auto wreckers may be allowed west of Third Street so long as they (community) have reviewed the Conditional Use application beforehand. In NO case will the community allow auto wreckers east of Third Street."

James Berg, attorney for the applicant, stated that he felt that Mr. Steele's summary of the case was adequate.

Mr. Steele recommended that the application be approved subject to nine specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Finn asked if the conditions which had been recommended by the staff would be acceptable to the applicant. Mr. Berg replied that most of the conditions were acceptable and indicated that his client did intend to landscape the property. However, since no buildings were being proposed for the site, he questioned the necessity for Condition No. 5 which read as follow: "Before applying for Department of Motor Vehicles license or any other city license authorizing dismantling or sale of parts, applicant shall secure letters from the Fire Department and the Department of Public Works indicating that an inspector has checked the premises for compliance with State and City health requirements for running water, toilet facilities, sewage and debris disposal, with fire and health regulations for the use of dismantling tools and storage of combustibles and with City standards for grading and surfacing to effect proper drainage with adequate sewer connections."

Commissioner Finn remarked that Condition No. 5 is a standard condition which is usually contained in resolutions approving automobile wrecking yards; and, in any case, approval of the agencies cited in the condition would be required regardless of whether the condition was included in the Commission's resolution.

After further discussion, it was moved by Commissioner Finn, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7461 and that the application be approved subject to the conditions contained in the draft resolution.

PROPOSED RENEWAL OF \$10,000 CONTRACT WITH MISSION PLANNING COUNCIL TO CARRY OUT PLANNING ACTIVITIES.

George A. Williams, Assistant Director-Plans and Programs, distributed and summarized a draft resolution which read as follows:

"WHEREAS, The Board of Supervisors, with its approval of the 1975 Community Development block grant application, as amended, through Resolution No. 192-75, approved the allocation of \$10,000 to provide technical assistance to the Mission community for projects directed at improving the physical, social and economic conditions therein; and

"WHEREAS, The Director of Planning, pursuant to the Community Development Program and City Planning Commission Resolution No. 7352, entered into a six-month contract with the Mission Planning Council, a recognized and accepted citizens planning organization capable of enlisting participation of many community groups and individuals in the Mission; and

"WHEREAS, The Mission Planning Council employed one city planner who worked full time and solicited the involvement of numerous resident and merchant organizations and individuals to provide technical planning assistance to the Mission community and to the Department of City Planning related to expanding recreation and open space opportunities, reducing through traffic on residential streets, and developing an improvement program for the 24th Street shopping area; and

"WHEREAS, The six-month term of the contract has expired and the Mission Planning Council and its planner have satisfactorily completed the studies pursuant to the 1975 Community Development Program; and

"WHEREAS, Further technical assistance is needed to follow through on the findings and recommendations contained in the studies produced by the Mission Planning Council and its planner; and

"WHEREAS, The Board of Supervisors, with its approval of the 1976 Community Development block grant application, as amended, through Resolution No. 866-75, provided in the budget of the Department of City Planning an amount of \$10,000 for renewal of the contract with the Mission Planning Council for an additional six months;

"NOW THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby authorize the Director of Planning to enter into and sign an agreement with the Mission Planning Council to provide for the continuation of technical services to the Mission community and the Department of City Planning for a second six-month period pursuant to the 1976 Community Development Program."

Toby Levine, President of the Mission Planning Council, presented the members of the Commission with a written summary of projects which had been undertaken during the past six months and distributed samples of work which had been completed. If the project being undertaken by the Mission Planning Council is completed successfully, it may serve as a model for community development funded projects in other neighborhoods. She urged that the program be extended for six months.

Commissioner Starbuck asked if Greg Montez would continue to serve as the Mission Planning Council's planner. Ms. Levine stated that she hoped that he would continue to serve in that capacity.

Edward I. Murphy, Acting Director of Planning, recommended that the draft resolution be adopted.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7462.

The meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, March 18, 1976.

The City Planning Commission met pursuant to notice on Thursday, March 18, 1976, at 1:00 p.m. in the Meeting Room at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; George A. Williams, Assistant Director-Plans and Programs; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Alec Bash, City Planning Coordinator; Ralph Gigliello, Planner II; Douglas Holmen, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

1:00 p.m. - Executive Session

The Commission met in Executive Session to consider the selection of a new Director of Planning.

2:15 p.m. - Room 282, City Hall

CURRENT MATTERS

Edward I. Murphy, Acting Director of Planning, reminded the members of the Implementation Committee (Commissioners Starbuck, Bierman, Dearman) of a meeting scheduled next Thursday, March 25, at 12:00 Noon. He also indicated that the full Commission is scheduled to take a field trip at 1:00 p.m. on that date.

Mr. Murphy reported that the Commission had been invited to tour the facilities of the St. Francis Memorial Hospital prior to the hearing of an Environmental Impact Report and a Conditional Use application for expansion of those facilities on April 1. After discussion, the Commission requested unanimously to schedule a field trip to the hospital at 1:00 p.m. on April 1.

Mr. Murphy, noting that some members of the Commission had requested that one meeting a month be reserved exclusively for planning (i.e., non-parcel) matters, stated that the staff will try to set aside the third Thursday of each month for such meetings.

It was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that a letter of sympathy be addressed to Mrs. Mortimer

Fleishhacker on the death of her husband, a former member and President of the City Planning Commission. The Commission also indicated its intent to adjourn its meeting in respect to the memory of Mr. Fleishhacker.

CONSIDERATION OF DRAFT RESOLUTION DISAPPROVING BUILDING PERMIT APPLICATION NO. 455531 FOR PROPOSED CONVERSION OF A TWO UNIT DWELLING AT 316-318 LAUREL STREET TO OFFICES; IN A C-2 DISTRICT.

(UNDER ADVISEMENT from City Planning Commission Meeting of March 11, 1976.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), distributed copies of the draft resolution of disapproval which had been prepared in accordance with a request made by the Commission during the meeting of March 11. After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7463 and that building Application No. 455531 be disapproved.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATIONS NOS. 454352 AND 454353 FOR TWO SINGLE-FAMILY HOUSES AT 65 AND 71 BELGRAVE AVENUE.

(UNDER ADVISEMENT from City Planning Commission Meetings of February 26, 1976 and March 4, 1976, and postponed from City Planning Commission Meeting of March 11, 1976.)

Edward I. Murphy, Acting Director of Planning, stated that this matter had been taken under advisement so that the staff could investigate the validity of the sale of one of the parcels of property. During the interim, the staff had obtained a copy of the letter sent by Karl Sooke, Senior Vice President of Founders Title Company, to a Miss Joan Gordon of Grubb and Ellis Company which reads as follows:

"You have asked for a letter explaining what an 'accommodation' recording is. Everyday a title company presents to the County Recorder many documents for recordation. Most are in connection with escrows wherein we are to issue a policy of title insurance.

"A practice has developed over the past of performing a service by recording documents in which we have no interest or transaction. These are accommodation recordings and are recorded as such. Our only service is to save the person handing the document to us a trip to City Hall.

"If any further information is required, please do not hesitate to call me."

- The staff had also obtained a copy of an Agreement of Sale and Deposit Receipt indicating that a deposit of \$1000 had been made by Joan Funk for the property at 65 Belgrave Avenue subject to the following terms;

"1. Purchase price to be Fifteen thousand dollars (\$15,000.00) including above deposit, to be paid all cash to seller upon start of home construction on or before December 31, 1976.

"II. In the event home construction on said lot does not begin prior to January 1, 1977, purchase price to be Ten thousand dollars (\$10,000.00) including above deposit.

- a. The balance of the purchase price to be a first note and deed of trust secured by the property conveyed. Said note to be payable at \$104.50 per month including principal and interest of 7% and shall become due and payable 10 years from date of note or upon sale of securing property."

Mr. Murphy advised the Commission that the staff was now satisfied that the property had in fact been sold by Mr. Hale to Ms. Funk. Whole the proposal for construction of the two dwellings was essentially the same as a proposal which had been considered and disapproved by the Commission on June 19, 1975, he felt that the proposal was somewhat different since the parcels of property are now in separate ownership. Therefore, the Commission could conduct a discretionary review of the building permit applications if it so desired; and he recommended that the discretionary review be held.

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the request for discretionary review of the two building permit applications be granted.

DR76.3 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATIONS NOS.
454352 AND 454353 FOR TWO SINGLE-FAMILY HOUSES AT 65 AND 71
BELGRAVE AVENUE.

Ralph Gigliello, Planner II, distributed copies of a chronology which he had prepared of events leading to the request for discretionary review of the subject building permit applications. He also distributed photographs of other buildings on the street and a tracing of the various lots on the subject block. He stated that the two subject lots each have a width of 25 feet and a depth of 100 feet for a total area of 2500 square feet. Both lots are presently vacant. The applicants proposed to construct two single-family houses on the adjacent lots with off-street parking for a total of three cars. The public right-of-way of Belgrave Avenue extends beyond that area which is presently improved for street and sidewalks so that the proposed garages at the property line would be some 11 feet from the sidewalk or 17 feet from the curb. The houses would be further set back 20 feet from the property line behind the garages and ascending the slope. Because the site slopes up steeply from the street, two sets of access stairs would follow terraced planner areas up to the entry levels. The facades would be terraced back with decks opening from upstairs rooms. The two similar houses would be separated by side yards with a minimum width of two feet coach toward the rear of the property; and wider spaces would exist between the two buildings towards the front of the lot. Side yards on opposite edges of the site would be provided by the neighboring houses. Mr. Gigliello stated that Belgrave Avenue is developed with single-family houses conforming to the applicable R-1-D zoning controls. Although there is no legislated set-back for Belgrave Avenue, houses

neighboring the subject site are set back; and both set-back areas and side yard areas are intensively landscaped. Older houses on Belgrave Avenue had been built on wider lots with typical frontages of 50 feet, twice that of the subject lots. Mr. Gigliello stated that single-family dwellings without side yards are permitted uses on lots of record with a width of less than 28 feet in R-1-D district. In conclusion, Mr. Gigliello stated that the discretionary review had been requested by David Hale, one of the applicants.

Commissioner Bierman asked why three off-street parking spaces were being provided. Mr. Gigliello replied that one of the houses would have a two-car garage.

Commissioner Bierman then asked if wider side yards could be provided if each of the houses were to have only one off-street parking space. Mr. Gigliello replied that more landscaping could be provided if only two garages were to be constructed; however, that landscaping would not be related to the more continuous landscaping on the opposite sides of the building and would exist as a "pocket" of landscaping. He also remarked that the terraces above the garages would provide an opportunity for additional landscaping.

Commissioner Starbuck, referring to the photographs which had been submitted, observed that some of the existing buildings on the street appeared to have no side yards. Mr. Gigliello confirmed that the side yard pattern varies; however, most of the older houses on the street do have side yards. When the City Planning Commission had previously disapproved the building permit applications for the subject property, it had suggested that property owners on the street who own more than one lot should merge their lots to protect the character of the neighborhood; however, as of one month ago, the only change which had been made in the lot pattern involved the merger of four lots adjacent to the subject properties and the subsequent division of that parcel into two lots.

Commissioner Starbuck then inquired about the major differences between the present proposal for construction of two dwelling units on the subject properties and the proposal which was previously considered by the Commission. Mr. Gigliello replied that the dwelling units proposed initially had had a similar number of bedrooms and garages but had met at the property lines; and residents of the neighborhood had objected to the construction of row houses. The architect had subsequently modified the plans to provide for space between the buildings; and, since adjacent lots have side yards, the two buildings will be completely free-standing.

David Hale, one of the applicants, stated that the four foot separation between the two buildings would take place at the back of the lot 65 feet from the front property line; and he indicated that there will be a nine foot separation between the two buildings towards the front of the lot. Therefore, the proposed buildings would provide a wider separation near the sidewalk area than other new buildings which had been constructed on the street. He advised the Commission that he is not a developer and that the proposed project is the first one which he has undertaken. Under the circumstances, he was extremely anxious to have a good project; and he felt that his project would enhance the real estate value of properties

in the area. He stated that new houses have been built on the street on lots which have a width of less than 50 feet; and, therefore, the houses which he proposed to construct would not establish a new pattern in the neighborhood. He remarked that two individuals who had signed petitions in opposition to his original project had later called to apologize, explaining that they had been given misinformation; and, during the interim, other individuals had moved out of the neighborhood. Some people who continued to be opposed to the project may not have seen the revised plans. He emphasized that the City Planning Code does not require provision of side yards on lots with widths of less than 28 feet; and he noted that plans which he had submitted were in complete conformity with the City Planning Code. He had continued to pay taxes on both lots; and the only question which remained unresolved was whether both of the lots are buildable.

Commissioner Starbuck asked Mr. Hale if he felt that it would be uneconomic to provide a greater separation between the two proposed buildings. Mr. Hale replied that he felt that he had provided as much separation as possible given the size of the lots. He indicated that there would actually be a 15 foot separation between the two buildings at the very front of the buildings. Further back, that separation would narrow to 9 feet; and, at the rear of the buildings, the separation would be reduced to 4 feet.

Albert Meakin, 100 Belgrave Avenue, read the following prepared statement:

"Although I appear as an involved neighbor in this case, it is, I believe, the first time in about 25 years and covering scores of appearances before Planning Commissions, that I have been somewhat directly concerned.

"I would like to call your attention to two sentences in the report given to the members of the Commission two weeks ago. First, under the heading of 'Proposal' it says, 'Side yards on opposite edges of the site have been provided by neighboring houses.' Actually it says 'pro-provided'. No wonder the writer stumbled on that statement. I'm sure I would have stumbled, too. It certainly warrants a double-take. These structures would usurp and degrade the amenities of the next door neighbors.

"The next sentence states that the project would conform to the Planning Code. But would it? Section 133 indicates that no side yards are required for lots 28 feet or less in width. However, in direct contradiction Section 102.6 says that 'A one-family detached dwelling is a one-family dwelling having a side yard on each side thereof.' Section 201.1, adopted five years after Sec. 133, suggests that row-type houses are acceptable only on lots opposite or adjoining C or M districts.

"It is not our wish that an owner be denied the right to build on his property. But it is our wish that the basic intent and purpose of the Planning Code as stated in Section 101 be observed. That is, 'To protect the character and stability of residential, commercial and indus-

trial areas within the City, and to promote the orderly and beneficial development of such areas.'

"We feel that permitting construction of two buildings by dividing this site into two 25-foot lots, based on a map 86 years old, which bears no resemblance whatsoever to the actual accepted pattern of development of this street, would mean unreasonable intrusion of totally incongruous structures.

"Belgrave Avenue is a very vulnerable area and merits the protection provided by the Code. Margot Patterson Doss, in one of her articles on our City, referred to it as 'That elegant enclave...which must be seen to be appreciated.' Former Director of Planning, Jim McCarthy, called it unique, saying that 'It is the only one like it in San Francisco. It is two blocks long, blind on both ends, and both streets into it are blind.'

"The proposed construction would be a jarring, discordant element. It would be directly opposite the main approach to Belgrave, and consequently to Tank Hill. The major traffic on Belgrave, both pedestrian and vehicular, is not that of residents of this street but of visitors and tourists. The marvelous view offered by Tank Hill at one end and the quiet, wooded contrast of Sutro Forest at the other attract many who appreciate the country-like charm. The proposed structures would take advantage of a pleasant, uncrowded environment developed over many years, and would grossly and unfairly use the well-landscaped open space of neighbors.

"As previously suggested by both the former Planning Commission and the Board of Permit Appeals, the only reasonable use of the site is for a single-family home. It was so considered by the previous owners and by those before them. It has been offered for sale as such for many years.

"We hope this commission will support the basic concept of 'beneficial development', and vote to disapprove construction as now proposed."

Commissioner Bierman inquired about the present status of properties on either side of the subject lots. Mr. Steele stated that property to the east of the subject properties is vacant; however, that lot is wide enough so that side yards will be required. The property to the west is developed with a building which does have a side yard set-back. In response to a further question raised by Commissioner Bierman, he confirmed that the proposed units would appear to have side yards even though the side yards would actually belong to adjacent properties.

Commissioner Rosenblatt inquired about the minimum width of lots in R-1-D districts. Mr. Steele replied that minimum width for a lot in an R-1-D district is 25 feet; and any lots having a width in excess of 28 feet must have side yards.

Homer Keaton, 89 Belgrave Avenue, stated that the lot pattern along the street was designed in 1890 although the street itself was not actually constructed until 1930. Most of the homes which were built on the street were located on two lots with a combined width of 50 feet; and most of the people who had lived in the area had come to regard the lot pattern as being one of de facto 50 foot widths. Given those circumstances, he did not feel that an individual property owner should be allowed to proceed with development of row houses on 25 foot wide lots. When the matter had previously been before the Commission for consideration, it was clear that any proposal for construction of two dwelling units on the subject properties would be inappropriate. At that time, the applicant had complained that the cost of constructing a single-family residence on the property would be astronomical. However, all of the homes in the area have a high value; and he did not feel that cost should be an issue of concern to the Commission. Following disapproval of the permit application for the original building, the "so-called" sale of one of the lots had occurred; and he felt that sale constituted an attempt to create a circumstance which does not in fact exist. He urged the Commission not to permit construction of two dwellings on property which he regarded as a single 50 foot wide lot. Furthermore, since the proposed buildings would be located toward the rear of the property, they would negate the privacy of adjacent rear yards.

Joan Funk, one of the applicants, stated that she wants to live on Belgrave Avenue; and she intended to construct a house of which both she and residents of the neighborhood could be proud. While a different sort of house might have been constructed in the neighborhood in the past, the cost of property, materials and labor in 1976 make it almost impossible to construct the same type of home's which were constructed in the past. Furthermore, she emphasized that the average lot in San Francisco has dimensions of 25 feet by 100 feet. She stated that she would like to have a 50 foot wide lot; but such a lot would cost \$15,000 more than a 25 foot wide lot. The house which she intends to construct will cost between \$125,000 and \$130,000; and she did not understand how a house of that value could possibly be detrimental to property values in the neighborhood. While Mr. Keaton had referred to the undesirability of constructing two houses on a single lot, she emphasized that the proposal was for two houses on two completely separate lots. In conclusion, she stated that the proposed houses would have rear yards because of the rear yard requirement of the City Planning Code.

Commissioner Bierman asked if it is customary for houses to be built as far back on a lot as those being proposed. Mr. Steele replied that such development has occurred in other areas of the city. He concurred that the applications would be required to provide 25 foot rear yards; and he indicated that they had not requested a variance from that provision of the City Planning Code. Furthermore, the walls of the buildings facing adjacent properties would not have windows.

Jeff Herbert, 125 Belgrave Avenue, stated that he had purchased his property in November, 1975, because he felt that it was a charming neighborhood and a good place to raise children. He believed that construction of the proposed buildings would have a shocking effect on the character of the street.

Paul Lowinger, 77 Belgrave Avenue, stated that he lives next door to the subject properties. He agreed with Mr. Meakin and Mr. Keaton that the proposed buildings would have a detrimental effect on the character of the street. With regard to the issue of side yards, he stated that it is true that his property has a side yard; but it is occupied by a stairway. He felt that construction on the subject properties should be limited to a single-family house with only one garage so that side yards could be provided. Then, in reply to a question raised by Commissioner Starbuck, Mr. Lowinger stated that there are approximately three lots in the subject block which could be developed.

Mr. Keaton stated that there are only two 50 foot wide lots in the area on which new buildings could be constructed. The remainder of the vacant land is owned by individuals who own adjacent buildings. In reply to a further question raised by Commissioner Starbuck, Mr. Keaton stated that he felt that the remaining buildable lots were as sensitive as the lots presently under consideration.

The owner of property located at 200 Belgrave Avenue stated that she believed that there are four buildable lots remaining on the street. Mr. Keaton stated that he had been speaking of parcels and not of lots.

Commissioner Bierman asked for an explanation of the remarks Mr. Meakin had made about the apparent contradiction in the City Planning Code concerning one-family detached dwellings. Mr. Steele replied that the Code specifies that detached houses must be detached; but the Code does not prohibit the construction of row houses on R-1-D lots which have a width of less than 28 feet. He then recommended that the permit applications be approved subject to two conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. Those conditions were as follows:

"1. That the front portions of the deck over the garages of each house be landscaped with 3 foot wide planter boxes to be visible from the street.

"2. Final landscaping plans be submitted for approval by the staff of the Department of City Planning."

Commissioner Bierman asked if the deposit of \$1000 by Ms. Funk for purchase of the property had been in the form of a personal check. Mr. Steele replied that the agreement of sale indicated that the deposit was made in the form of a personal check. In reply to a further question raised by Commissioner Bierman regarding the date of the check, Mr. Steele stated that the date of the agreement was October 1, 1975.

Commissioner Bierman then asked Ms. Funk if she would be willing to submit the canceled check for review by the Commission. After Ms. Funk had replied that she felt that the canceled check had little to do with the issue before the Commission, Commissioner Bierman stated that concern had been expressed to the effect that a sale had not really taken place; and she felt that a canceled check or a certificate of deposit would be helpful in laying that issue to rest.

Commissioner Starbuck asked about the first date on which the Commission could consider the subject building permit applications if Mr. Hale is, in fact, still the owner of both of the lots. Mr. Steele replied that the original permit application was approved by the Commission on June 19, 1975; and no substantially similar application could be considered by the commission until one year has elapsed.

Ms. Funk stated that she was married last June; and she and her husband had wanted to purchase a house. She had conveyed her ideas of the type of house she wanted to Mr. Hale; and the design which he had prepared reflected everything she wanted. She stated that she likes a country atmosphere; and her husband prefers a city atmosphere. Therefore, the subject property is ideally suited to their needs. However, with the increasing delays in the issuance of a building permit, her husband was becoming less and less interested in the proposal. She emphasized that she and Mr. Hale had not requested any variances from the provisions of the City Planning Code; and she urged the Commission to take final action on the matter as soon as possible.

Mr. Keaton stated that Ms. Funk must surely have been aware of the denial of the previous building permit application by the Commission; and, under the circumstances, she should have known that the subject building permit applications would not be issued automatically.

Ms. Funk confirmed that she had been aware of the previous disapproval; and, for that reason, the agreement of sale had reflected alternate purchase prices for the lot depending on whether construction is initiated before January 1, 1977.

Mr. Keaton felt that the Commission should request to see the canceled check for \$1000 before taking action on the building permit applications.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried five to two that this matter be taken under advisement until the meeting of April 1, 1976, at 4:00 p.m. Commissioners Bierman, Dearman, Finn, Lau, and Mellon voted "aye"; Commissioners Rosenblatt and Starbuck voted "no".

EE75.179 - CONSIDERATION OF RECERTIFICATION OF THE FINAL ENVIRONMENTAL
IMPACT REPORT FOR THE SOUTHWEST OUTFALL; SAN FRANCISCO WASTE-
WATER MASTER PLAN, IMPLEMENTATION PROGRAM V.

Selina Bendix, Environmental Review Officer, explained that the Commission had certified the subject Environmental Impact Report on December 18, 1975. Subsequently, additional comments and responses had been received from the State Clearing House; and the City Attorney had advised that those comments, which were clarifying and non-substantive in nature, should be added to the report. Therefore, the report had been brought back to the Commission for recertification. She then summarized the additional comments and responses which had been added to the text of the report and responded to questions which were raised by members of the Commission.

Paul Berrigan, 2366 Leavenworth Street, addressed the Commission on this matter.

After discussion it was moved by Commissioner Starbuck, seconded by Commissioner Rosenblatt, and carried six to one that Resolution No. 7464 be adopted with the following resolves:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby RECERTIFY THE COMPLETION of said Report, as amended, in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in recertifying the completion of said Report again finds that the project as proposed will not have a significant effect on the environment."

Commissioners Bierman, Finn, Lau, Mellon, Rosenblatt and Starbuck voted "aye"; Commissioner Dearman voted "no".

At 4:10 p.m. President Lau announced a ten minute recess. The Commission reconvened at 4:20 p.m. and proceeded with hearing of the remainder of the agenda.

R118.76.4 - TENTATIVE MAP FOR CONDOMINIUM SUBDIVISION OF 87 UNITS AT VICTORIA MEWS, BOUNDED BY CAROLINA, 19th, WISCONSIN AND 20TH STREETS.

Alec Bash, City Planning Coordinator, referred to land use and zoning maps to describe the subject property which has 200 foot frontages on 19th and 20th Streets and 400 foot frontages on Carolina and Wisconsin Streets for a total area of 80,000 square feet. The property is zoned R-3 and is subject to the restrictions of a 40-X height and bulk district. The site is presently vacant. The applicant was proposing 87 condominium units pursuant to a planned unit development authorized by the City Planning Commission under Resolution No. 7286 on February 6, 1975. The units would be within 29 buildings with Victorian detailing and would be two and three bedroom units ranging from approximately 1000 to 1600 square feet. There would be 94 off-street parking spaces, of which 77 would be in a main garage with access from 19th Street. The development would include many ground level common rooms, a swimming pool, two tennis courts, and an artificial brook within landscaped grounds, and sidewalk extensions with landscaping on Wisconsin and Carolina Streets. Mr. Bash stated that the Subdivision Code requires that for all newly constructed subdivisions, the subdivider must provide street trees and landscaping conforming to the policies of the Master Plan and that, where required pursuant to the Master Plan, the subdivider must provide for the landscaping of open areas and the maintenance thereof. The Code also requires, that in projects of 50 or more units the subdivider shall make available 10% of the units for low and moderate income occupancy, provided that the City Planning Commission finds that governmental subsidies for such occupancy are available to the subdivider. In that regard, the staff had received a letter from James P. Jaquet, Director of the Mayor's Office of Community Development, advising that to the best of his knowledge there are presently no governmental subsidies available

to the subdivider for such occupancy. Finally, Mr. Bash stated that the Subdivision Code also required a sales program which promotes affirmative action in housing.

Raymond E. Bright, the subdivider, summarized the history of his project, noting that the City Planning Commission had approved alternate schemes and indicating that he intended to proceed with the less dense of the two alternatives. He stated that he had been working with people who had been in opposition to the project; and agreements had been reached on how the project would proceed.

Commissioner Mellon inquired about the cost of the proposed units. Mr. Bright replied that it was his hope that the units could be sold for prices ranging from \$57,500 to \$79,000.

James Furth, a resident of Potrero Hill, stated that some residents of the neighborhood continued to be concerned about the proposed project. They did not take the position that the project was not well designed; but they were opposed to it because it would drastically change the character of the neighborhood. Mr. Furth characterized Potrero Hill as a working class neighborhood; and many people who live in the neighborhood would not be able to afford to live in the proposed project. Furthermore, they believed that the project would cause rents and taxes to increase in the neighborhood; and such a large project would generate traffic problems in the area. Inevitably, the project would force poor people out of the neighborhood. He felt that it is important to improve a neighborhood; but the improvement should not be of a type which would destroy the character of the neighborhood.

Charles Peterson, Vice President of the Potrero Boosters and Merchants Association and a representative of other organizations in the neighborhood, stated that he regarded the proposed project as the most necessary development over proposed for the neighborhood. He remarked that Potrero Hill has a higher percentage of public housing per capita than any other neighborhood in the city and is bounded by freeways and industrial districts. Conditions are such that no developers would be interested in the vacant 10.8 acre Wisconsin Street housing site even if the City were to make that property available at no cost. Ninety per cent of the residents of the neighborhood have incomes below the medium range. As a result of those factors, he felt that the proposed project would make a significant contribution to the neighborhood.

Maria Vermiglia, representing the Potrero Hill League of Active Neighbors (Plan), stated that her organization had been opposed to the proposed project because it would block views presently enjoyed by a number of people, because it would be a blatant violation of policies which had been formulated during the course of the Residential Zoning Study, and because it would violate a policy of the Urban Design Plan calling for the protection of the livability and character of residential properties from the intrusion of incompatible new buildings. She felt that the proposed project would be completely inconsistent with the existing character of the neighborhood. All of the units would be in the upper income range; and the developer had not reserved any units for low or moderate income families. She hoped that the subdivision would be disapproved by the Commission.

Mr. Bright stated that he was a little surprised that representatives of PLAN were still opposing the project. He advised the Commission that that organization had filed suit in Superior Court but had finally withdrawn the suit when he had agreed to proceed with the alternative with the lesser number of units and when he had also agreed that 20% of the work-force for the project would come from Potrero Hill. He stated that he had received a notice of dismissal of the suit just last week; and he had assumed that the action was final. In any case, he intended to abide by the promises he had made. Residents of the neighborhood had been concerned about the possibility that the project would raise taxes in the area or that it would attract burglars to the area; but taxes and robberies have increased in the area even in the absence of the project. He stated that he intended to construct authentic Victorian buildings with 9 foot ceilings; and he was working with various agencies of the City to obtain approval to provide a mini-park in the unimproved portion of Carolina Street adjacent to the project.

Ms. Vermiglia confirmed that her organization had dropped its lawsuit against the proposed project when the compromise had been effected.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the proposed condominium subdivision be approved as consistent with the Master Plan subject to three specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Mellon, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7465.

**R118.76.5 - TENTATIVE MAP FOR CONDOMINIUM CONVERSION SUBDIVISION OF 10
UNITS AT 1350 VALLEJO STREET.**

Alec Bash, City Planning Coordinator, referred to land use and zoning maps to describe the subject property which is a rectangular parcel with a width of 50 feet and an area of 6,875 square feet. The property is zoned R-4 and is subject to the provisions of a 105-D height and bulk district. The property is occupied by a 10 unit apartment building which was constructed in 1926 with 10 levels of residential occupancy above an entry level and a garage level with 10 parking stalls. Each unit occupies one level of approximately 2,800 square feet and has panoramic northern views. Four units are presently owner-occupied and have monthly rentals ranging from \$300 to \$450 with an additional assessment to provide for annual building maintenance upkeep. The remaining six units have monthly rentals ranging from \$775 to \$975. The proposal was to convert the apartment building into ten condominium units with sales prices ranging from \$125,000 to \$155,000. The staff of the Department of City Planning had determined that none of the units could be considered as being within the city's low or moderate income housing stock.

President Lau asked if anyone was present in the audience in opposition to the proposed condominium conversion and received a negative response.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the condominium conversion subdivision be approved as consistent with the Master Plan subject to three conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7466.

R118.76.6 - TENTATIVE MAP FOR SUBDIVISION OF 23 LOTS AT FOLSOM AND BANKS STREETS, SOUTH OF CRESCENT AVENUE.

Alec Bash, City Planning Coordinator, referred to land use and zoning maps to describe the subject property which consists of 19 rectangular parcels with widths of 25 feet and areas of 1750 square feet, three irregular parcels with widths of 25 feet and areas of approximately 1575, 1730 and 1730 square feet, and one triangular parcel with a frontage of 58 feet and an area of approximately 1850 square feet. Properties located west of Banks Street are zoned R-1 and those located east of Banks Street are zoned C-2. All of the lots are included in a 40-X height and bulk district. The applicants proposal was to resubdivide the 23 existing lots with newly constructed one and two-family dwellings into 23 lots with identical lot lines pursuant to a provision in the State Map Act which requires such subdivision for existing contiguous lots under common ownership prior to sale. The dwellings are two stories high with double garages. Mr. Bash stated the City Planning Code generally requires a minimum lot area of 2500 square feet, except that lots of record at the effective date of the Code are permitted to continue with such dimensions as were previously recorded.

Commissioner Dearman asked if all of the buildings are single-family dwellings. Mr. Bash replied that the project contains 19 single-family dwellings and four two-family dwellings.

No one was present to speak in opposition to the proposed subdivision.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the subdivision be approved as consistent with the Master Plan subject to two conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Bierman inquired about the price of the new housing units. Mr. Bash replied that he did not know how much was being asked for the units and indicated that the developer was not present in the meeting room.

Calvin Welch, a resident of the Haight-Ashbury district, stated that he had worked on the Subdivision Ordinance; and he believed that the Ordinance provides

that the staff of the Department of City Planning must be aware of the sales price of new dwelling units. Mr. Bash replied that the Subdivision Code provides that the staff must make a determination as to whether the sales price of condominium units would effectively remove such units from the low or moderate income housing stock of the City; however, the Code has no reference to the cost of units coming before the Commission in the form of a land subdivision.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7467.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CITY PLANNING CODE REGARDING INSTITUTIONAL MASTER PLANS.

(CONTINUED FROM CITY PLANNING COMMISSION MEETINGS OF FEBRUARY 19 AND MARCH 4, 1976.)

Robert Passmore, Planner V (Zoning), stated that the staff of the Department of City Planning had met with community representatives and representatives of affected institutions since the Commission's meeting on March 4 and had agreed on certain amendments to the text of the draft ordinance which were reflected in a memorandum published on March 15. With those changes, there appeared to be substantial agreement on most parts of the proposed ordinance. One difference among the participants at the meetings concerned the second paragraph of the new subsection (f) dealing with the length of time given for review and comments by the Comprehensive Health Planning Council and the manner in which those comments may affect the Commission's action on a conditional use application. Community representatives had submitted an alternate version of that paragraph which read as follows:

"In addition, where conditional use authorization is sought with respect to a hospital or sanitarium, no such authorization shall be approved by the City Planning Commission until after the review and comments made pursuant to subsection (e) above for both the institutional master plan and the conditional use application have been received by the City Planning Commission. Furthermore, no conditional use authorization shall be approved by the City Planning Commission for any hospital or sanitarium until the proposed development has first been approved pursuant to Section _____ of Public Law 93-641 or Section _____ of the California Health and Safety Code, if such approval is found by the reviewing agencies to be required under those sections."

Mr. Passmore stated that concern had also been expressed by institutions as to the mandatory six-month period between the start of hearings on an Institutional Master Plan and consideration of a conditional use application provided for in the first paragraph of the new subsection (f). Mr. Passmore read the following letter which he had received from Ross E. Stromberg, attorney for the Westbay Hospital Conference:

"This letter is to set forth, for the record, our understanding regarding several provisions of the February 26, 1976 draft of the proposed Institutional Master Plan Ordinance."

"Page four, paragraph three (C). This paragraph states in substance that specified master plans are also to contain a description and analysis of any alternatives which might avoid or lessen impact upon the surrounding neighborhood, including the 'approximate costs and benefits of each alternative.'

"You will recall that on behalf of the West Bay Hospital Conference, we suggested several amendments to this subsection, including the change of the phrase 'costs and benefits' to a description of the 'costs, benefits and disadvantages' of each alternative. However, I have been advised by you that it is the Department's interpretation of the current language that the phrase 'costs and benefits' are not limited to economic costs, but would include such things as 'social costs', and, thus, in essence, is meant to be a costs and benefits analysis of listed alternatives. Used in that generic way, such an analysis would include analysis of possible disadvantages. In reliance on this interpretation, West Bay Hospital Conference is willing to drop its suggested language for the latter part of this subsection.

"Page seven, subsection (e). The February 26th draft states in part that no conditional use shall be authorized unless the specified development shall be 'as described in' the institutional master plan. The West Bay Hospital Conference has raised concerns with the literal interpretation of this qualified phrase, 'as described in' the institutional master plan.' We have been advised that the phrase is intended by the Department to be flexible and require interpretative judgment on the part of the Commission as to the conformance of the application for a conditional use permit with the development described in the institutional master plan. For example, an institution will not be denied consideration of its application for a conditional use permit by reason that a proposed project might not be fully described to the last detail in the master plan if, in fact, such project, in substance, is contained in the master plan.

"To illustrate my understanding of the Department's interpretation of this phrase, I use the example of a master plan for a hospital describing a ten story medical office building. Thus, if, subsequently, the hospital came in for a conditional use permit regarding a nine story or twelve story medical office building, the use permit still could be considered as it would be a project 'described' within the institutional master plan. On the other hand, this

should be distinguished from a conditional use permit application for a two story medical office building, or a forty story medical office building, neither of which would be in conformance with or described in the institutional master plan.

"With that interpretation of the phrase 'as described in' the institutional master plan, the West Bay Hospital Conference will not press for any further amendments thereto.

"If you have any questions about our understanding of the Department's interpretation of these two provisions of the February 26th draft of the Institutional Master Plan Ordinance, please advise as quickly as possible.

"Thank you for your assistance in these matters."

Mr. Passmore stated that he had discussed the letter with Mr. Stromberg; and he had indicated that his understanding of the wording of subsection (e) on page seven was generally correct but would not always hold true as the significance if any change from the project described in an Institutional Master Plan would be dependent to a large extent upon the concerns about the elements of the master plan during the public hearings on the plan. He indicated that the draft of the ordinance had been reviewed by Robert Kenealey, Deputy City Attorney, as to form; and he indicated that the staff was prepared to recommend adoption of the ordinance with the changes which had been recommended on February 26 and the additional changes outlined in the material dated March 15.

Commissioner Starbuck inquired about appropriateness of provision in the draft ordinance requiring submission of Institutional Master Plans within six months of enactment of the ordinance. Mr. Passmore replied that the original draft ordinance submitted by the Board of Supervisors had provided only a three month period for the filing of Institutional Master Plans; and it was generally agreed now that that period was too short. A date of December 31, 1976, probably would allow approximately a six month period for the filing of the Institutional Master Plan after adoption of the subject ordinance. Since many institutions already have Master Plans on file, it was unlikely that the December 31 filing would create a hardship for any institutions unless the Board of Supervisors should delay enactment of the ordinance; and, in that case, it was generally expected that the Board would amend the filing date.

Commissioner Rosenblatt asked if he were correct in understanding that language proposed by the staff would provide that the City Planning Commission could not authorize a conditional use for an institution until at least 60 days after a request had been made to the San Francisco Comprehensive Health Planning Council or its successor agency to review and comment on the institution's Master Plan. Mr. Passmore replied in the affirmative and indicated that the language also would allow the Commission to withhold its approval of the conditional use application for a longer period of time if it so desired.

Commissioner Mellon asked if the ordinance contained any language which would place constraints upon the amount of time that the San Francisco Comprehensive Health Planning Council or its successor agency would have for review and comment on an Institutional Master Plan. Mr. Passmore replied that in that the ordinance would allow the Commission to proceed to take action on a conditional use application if the health planning agency had not provided its comments in a 60 day period. That if the health planning agency wanted its advice considered by the Commission that the nature of the proposed language would provide a strong inducement for a reply within 60 days. However, since the Commission, in considering a conditional use application, must determine whether there is a need for the proposed facility, he felt that the advice of the San Francisco Comprehensive Health Planning Council or its successor agency would be extremely important to the Commission when it is considering conditional use applications for medical facilities and additional time might be granted by the Commission in order that a response could be received.

Commissioner Finn felt that it was essential that a reasonable time limit be established for reviewing agencies to submit their comments to the Commission. Otherwise, such agencies might be able to hold their review of a proposal under advisement in perpetuity. Mr. Passmore stated that he felt that the language which had been proposed by the staff would give the Commission the ability to act within a reasonable amount of time if comments were not forthcoming from the health planning agency.

Commissioner Mellon suggested that the language which had been recommended by the staff should be clarified. The present wording seemed to suggest that the health planning agency should have at least 60 days for its review and comment; and there was an implication in the language that it was possible that additional time should be allowed for such review and comment.

Commissioner Rosenblatt remarked that the City Planning Commission would not have jurisdiction over the San Francisco Comprehensive Health Planning Council or its successor agency; and, as a result, it could not force that agency to provide its comments within a specific period of time.

Douglas Engmann, representing the Fulton/Stanyan Street Association and the Coalition for San Francisco Neighborhoods, stated that the organizations which he represented continued to have a difference of opinion with the staff of the Department of City Planning regarding certain aspects of the proposed ordinance. In the first instance, they felt that the alternate language mentioned by Mr. Passmore for the second paragraph of the new subsection (f) should be included in the ordinance. That language would prohibit the Commission from approving a conditional authorization for a hospital or sanitarium until such time as a proposed project has been approved by the health services agency, assuming that that agency is required to review the proposal by State and Federal law. With regard to the issue of the mandatory six month period between the start of hearings on an Institutional Master Plan and consideration of a conditional use application, Mr. Engmann stated that everyone had agreed to that provision with the exception of a couple of universities. He remarked that the purpose of a Master Plan is to let

people know in advance what is being planned; and he did not feel that the six month delay which had been proposed would cause an undue hardship for any institutions.

Commissioner Starbuck asked Mr. Engmann if he felt that the more restrictive language being proposed for the second paragraph of new subsection (f) would be "lobbied away" before the Board of Supervisors. Mr. Engmann replied that he suspected that the institutions would try to have that language modified. He emphasized, however, that the language now being recommended by his organizations was less restrictive than the language which had been contained in the original draft of the ordinance; and he hoped that the Commission would not choose the even weaker language which had been proposed by the staff of the Department of City Planning.

Commissioner Bierman stated that she was concerned about the possibility that the San Francisco Comprehensive Health Planning Council or its successor agency might delay transmittal of its comments on a particular proposal for an unduly long period of time if the language recommended by Mr. Engmann were included in the ordinance. Mr. Engmann replied that inaction by the Council or its successor agency would probably result from a good cause; and, in any case, he felt the Commission should not take action on a proposed medical project until it has received the advice of the health planning agency which has expertise in the field.

Commissioner Bierman then asked if Mr. Engmann could suggest a reasonable time limitation within which the Council or its successor agency should be required to comment upon a particular proposal. Mr. Engmann replied that 360 days might be a reasonable time limitation on that agency.

Commissioner Rosenblatt remarked that the local health planning agency to be established by State law may be a tri-county agency. If so, the agency will have a great deal of work; and the ordinance presently under consideration would result in the transmittal of a massive amount of paper to that agency for review in 1977. Under the circumstances, he felt that the language of the draft ordinance should assure that the approval of the various agencies involved could be coordinated within a reasonable time period. Mr. Engmann stated that State and Federal law will require that proposed medical facilities be approved by local and/or state agencies; and he continued to feel that the City Planning Commission should not approve such projects until they have received their funding from the appropriate State and Federal agencies.

Commissioner Mellon stated he did not understand Mr. Engmann's concern since if no funds were to be made available for a project which had been approved by the Commission, the project could not proceed. Mr. Engmann replied that hospitals have demolished residential buildings in the past in anticipation of approval being given for a particular project; and such actions are irreversible. When it turns out that the project cannot proceed, the neighborhood is left with a vacant lot.

Commissioner Starbuck asked if St. Francis Hospital had obtained approval from the San Francisco Comprehensive Health Planning Council for its expansion project. Mr. Passmore replied that it was his recollection that such approval had been obtained. He remarked that most institutions prefer to come before the City Planning Commission with such approval in hand as an instrument of leverage.

Ralph Stromberg, representing the West Bay Hospital Conference, confirmed that hospitals usually prefer to have the approval of the local health planning agency before coming before the City Planning Commission with an application for a conditional use; and, as a result, he did not feel that the language recommended by Mr. Engmann which would require such approval would be necessary. He stated that the West Bay Hospital Conference was supportive of the language which had been recommended by the staff of the Department of City Planning relative to the mandatory six month period between the start of hearings on an Institutional Master Plan and the consideration of a conditional use application. The Conference also supported the language which had been recommended by the staff for the second paragraph of the new subsection (f) of the ordinance. He remarked that the language which had been recommended by the staff represented a compromise between the point of view of the institutions who wished for an absolute time limit to be established for review and comment by the local health planning agency and the community representatives who wished for no time limit whatsoever. He felt that the 60 day time limit recommended by the staff was reasonable; and he emphasized that the Commission could extend that time limit if it so desired.

Commissioner Rosenblatt asked if he were correct in understanding that Federal law provides that any proposed hospital expansion costing in excess of \$100,000 or \$150,000 would have to be reviewed and approved by a local health planning agency. Mr. Stromberg replied that the Federal law provides that any "substantial capital expenditure" shall be reviewed and approved by the local agency; but that language will have to be more carefully defined in State law. He stated that he also objected to the language which had been proposed by Mr. Engmann for the second paragraph of the new subsection (f) because it referred to specific sections of Federal and State law; and those sections may be subject to change in the future. He felt that the Commission, in recommending language for the City Planning Code, should not try to guess what authority will be given to the local health planning agency under State law; and he felt that the Commission should accept the language which had been recommended by the staff for that paragraph. He stated that the West Bay Hospital Conference also supported the language which had been recommended by the staff for subsection (g) dealing with permit applications; however, he suggested that the Commission should review that language in approximately two years to see if it has accomplished what was intended. In conclusion, he stated that the West Bay Hospital Conference supported adoption of the proposed ordinance as modified by the amendments outlined in the memorandum to the City Planning Commission dated March 16, 1976.

Commissioner Starbuck asked Mr. Stromberg if his clients would be represented on the State and local health planning agencies to be created by Federal and State law. Mr. Stromberg replied in the affirmative.

Mr. Engmann submitted a photo-copy of section 438.5 of the State Public Health Administration Code which read as follows:

"438.5 Recognition by local zoning and planning agencies of findings, etc., as to new or additional bed capacity, etc.

"Recognition of findings of fact, recommendations or decisions of voluntary area health planning agencies or voluntary local health planning agencies as to the need and desirability of new or additional bed capacity or change of license category of existing beds shall be recognized by local governmental zoning and planning agencies as being in the public interest and shall not be reversed except by a clear preponderance of the evidence in a particular case; provided that such decisions were not appealed. If appealed, they shall be recognized only to the extent that they have been finally affirmed on appeal."

Robert LaPointe, representing the University of California Medical Center, submitted a letter which had been prepared by Chancellor Sooy and informed the Commission that the medical center was supportive of the March 15 version of the draft ordinance.

Calvin Welch, representing the Haight-Ashbury Neighborhood Council, requested that the language of the ordinance be amended to provide that an institution, in submitting its Master Plan, should also be required to submit its affirmative action program, if any, as well.

Mr. Stromberg stated that he was surprised that Mr. Welch had waited until the last minute to make that recommendation; and he indicated that he did not feel that an institution's affirmative action program is pertinent to the physical development which would be reflected in a Master Plan. He felt that the Commission should adopt the ordinance as recommended by Mr. Passmore, leaving any further changes up to the discretion of the Board of Supervisors.

Commissioner Dearman asked Mr. Stromberg if he was opposed to affirmative action programs. Mr. Stromberg replied in the negative.

Mr. Welch remarked that section (c) 1. of the February 26 version of the draft ordinance specified that Institutional Master Plans to be submitted should contain information regarding employment characteristics of the institutions; and he felt that it would be appropriate for that section also to require the submission of affirmative action programs.

Mr. Stromberg stated that medical institutions are presently required to have an affirmative action program only when they are operating under Federal grants; and the only institutions in that category are the ones which have teaching programs. He asked Mr. Welch if it was his intention that the language which he had proposed should require all medical institutions to have affirmative action programs; and, if so, he questioned why the provision should not apply to all employers in the city.

Mr. Welch stated that it was his understanding that Federal regulations do require most medical institutions to have an affirmative action program; however, if an institution does not have such a plan, he did not feel that the language which he proposed would require the institution to adopt such a plan.

Mr. Passmore, referring to Mr. Engmann's request for substitution of alternate language in the new subsection (f) of the draft ordinance, advised the Commission that the staff of the Department of City Planning would be very reluctant to accept language which would absolutely bind the City Planning Commission to inaction until action had been taken by another agency; and Mr. Kenealey had informally taken the same position. Therefore, he recommended that the Commission endorse the language which had been recommended by the staff of the Department of City Planning. With regard to Mr. Welch's request for amendment of the draft ordinance to provide that institutions should submit their affirmative action programs to the Department of City Planning, he stated that he did not feel that such a provision would be appropriate in a Zoning Ordinance; the appropriateness of requiring filing of affirmative action programs for only the uses covered by the subject ordinance was questionable; and he did not know what the staff of the Department of City Planning on the Planning Commission would process or evaluate affirmative action programs if they were to be submitted. The submittal of affirmative action programs might be appropriate as part of a more comprehensive policy statement or ordinance related to social issues. He then recommended the adoption of a draft resolution which contained the following resolves:

"THEREFORE BE IT RESOLVED, That the City Planning Commission finds that the public necessity, convenience and general welfare require that the City Planning Code be amended by amending Section 303 and adding section 304.5 concerning institutional master plans as described in the memorandum from Edward I. Murphy, Acting Director of Planning, to the City Planning Commission dated February 26, 1976 entitled 'Further Revisions to Proposed Ordinance Relating to Institutional Master Plans', pages 2 through 7, as modified by the document dated March 15, 1976, entitled 'Staff Amendments to February 26, 1976, Department Draft Ordinance on Institutional Master Plans', pages 1 and 2, ZT76.1, and said amendments as so modified are hereby APPROVED;

"BE IT FURTHER RESOLVED, That said amendments are deemed by the City Planning Commission to incorporate the purposes and principal provisions of the proposed ordinance submitted by the Board of Supervisors on September 11, 1975 under File No. 306-74 in a more suitable form, and therefore said proposed ordinance, File No. 306-74, is hereby DISAPPROVED."

Commissioner Bierman observed that the subdivision ordinance requires affirmative action in housing; and the Commission, in approving subdivisions, establishes conditions requiring developers to promote affirmative action in housing. Under the circumstances, she questioned whether the language recommended by Mr. Welch would really be inappropriate for the proposed ordinance.

Commissioner Rosenblatt stated that the Commission requires affirmative action programs in housing because it is mandated to do so by the Subdivision

Code. He felt that the requirements for affirmative action hiring plans should be applied on a city-wide basis and not just to institutions; however, if the Board of Supervisors wished to incorporate the language recommended by Mr. Welch into the Institutional Master Plan Ordinance, he hoped that the Board would also provide the City Planning Commission with standards to be used in evaluating the plans which would be submitted.

Commissioner Bierman remarked that the citizens of San Francisco are fairly sophisticated; and she noted that President Lau spoken to the issue of affirmative action hiring when the Commission was considering the Master Plan for St. Francis Hospital. She emphasized that the language which had been recommended by Mr. Welch would not require institutions to have affirmative action hiring plans but would merely require them to advise the Commission as to whether or not they have such plans.

After further discussion it was moved by Commissioner Mellon and seconded by Commissioner Rosenblatt that the draft resolution which had been recommended by Mr. Passmore be adopted.

Commissioner Bierman moved that the main motion be amended to incorporate the alternate language for the second paragraph of the new subsection (f) as proposed by community representatives. She remarked that San Francisco does not have a scarcity of hospital beds. In fact, it appears that the city has an excess of hospital beds. The basic reason for the proposed ordinance was to establish good procedures; and it did not seem to her that it would be unreasonable for the ordinance to provide that the Commission could not act on a conditional use application until such time as a local health planning agency has approved the project in question. Furthermore, with regard to the issue of possible delay by the local health planning agency, she remarked that governmental agencies usually tend to cooperate with one another. Finally, she remarked that the alternate language would avoid situations in which citizens would come before the City Planning Commission to argue against proposals which in fact may never be funded. The motion for amendment was seconded by Commissioner Dearman.

Commissioner Finn stated that he could not support the motion for amendment not because he disagreed with the philosophy which had been expressed by Mr. Engmann and Commissioner Bierman but because he felt that the alternate language would place too great a restriction upon the Commission.

Commissioner Rosenblatt stated that he agreed with the objectives which had been cited by Mr. Engmann; but he was not convinced that the language which he had proposed would be workable. Since laws still have to be enacted to define the role of the local health planning agency, his own personal preference would be to recommend the enactment of the Institutional Master Plan Ordinance with the actual language of the second paragraph of the new subsection (f) to be decided upon at a later date. He conceded, however, that that would be difficult to do. Therefore, he favored the language which had been recommended by the staff. Nevertheless, he was concerned about the fact the City Planning Commission, in approving a conditional use application, must determine that there is a need for the facility being

proposed; and he felt that the Commission, in considering the conditional use applications for medical facilities, should rely upon the advice of the local health planning agency.

Mr. Passmore stated that that in the past it has been the recommendation of the Department of City Planning that the Commission wait for the recommendation of the local health planning agency before taking action on a conditional use application for a medical facility.

When the question on the motion for amendment of the main motion was called, it passed by a vote of 4 to 3. Commissioners Bierman, Dearman, Lau and Starbuck voted "aye"; Commissioners Finn, Mellon and Rosenblatt voted "no".

Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the main motion be further amended to incorporate the language suggested by Mr. Welch into the proposed ordinance in appropriate places to require those institutions which have affirmative action hiring plans to file them with the Department of City Planning.

When the question was called on the main motion, as amended, the Commission voted unanimously to adopt City Planning Resolution No. 7468, approving the draft ordinance, as amended.

Robert Passmore, Planner V (Zoning), distributed copies of a memorandum which had been prepared at the request of Commissioner Starbuck, commenting on the pros and cons of recommending that the special interim controls for certain residential districts be continued. The memorandum read as follows:

"In connection with the residential zoning study interim zoning controls for certain residential districts were added to the City Planning Code as a sort of holding action during the course of that study. These controls affect dwellings and boarding houses in what is generally considered low-rise construction, up to 65 feet in height, in R-2, R-3, R3.5, R-4 and R-5 districts; and generally have the purpose of assuring or encouraging the moderation of building size in accordance with the established scale of surrounding development, the protection of open spaces in building set-backs and rear yard areas, and the retention and renovation of older buildings.

"These controls are applicable until July 1, 1976, by which time the Board of Supervisors expected the submission by the Department of City Planning to the City Planning Commission of detailed maps and written regulations for the city-wide reclassification of residential districts, and the institution of all or part of the proposed regulations for such new districts as interim controls by the City Planning Commission while extensive public hearings are being held.

"Some concern has been expressed whether such proposals will be completed by the July 1 deadline, particularly if staff must be diverted from the Residential Zoning Study to other responsibilities of Department that could not

otherwise be met. If new interim controls were not instituted, then the City Planning Commission might wish to initiate an amendment of Section 160 (b) of the City Planning Code to continue the controls beyond the present July 1 deadline. In order to allow for the review process necessary in amending the City Planning Code, such an initiation would have to occur in early April if the initiation is to serve the purpose of uninterrupted protection to residential districts.

"Additionally, the Coalition for San Francisco Neighborhoods has expressed the fear that new regulations recommended by the Planning Department will be less restrictive than the existing interim controls; thus the Coalition would like to see the present interim controls remain in effect during the period between the introduction and adoption of Department recommendations.

"Although the interim controls have been a meaningful control in response to most neighborhood concerns, the controls have not corrected basic zoning map problems where the permitted use, particularly dwelling unit density, is either inconsistent with existing development, or inappropriate in light of master plan policies. The interim controls were, of necessity, a broad-brush approach to controlling the outer framework or envelope that determines the scale of a new building, and do not respond adequately to the wide variety of existing and potential development in residential areas of San Francisco. It is the Department's intention to present to the City Planning Commission as rapidly as practicable regulations that the Department believes will continue the intent of, but also be superior to, the present controls. The Department believes that detailed maps and regulations can be submitted to the Commission by May 20, 1976. The Commission can initiate reclassifications based on these proposals well before July 1, 1976, thus assuring that adequate controls would be available to replace the existing interim controls by July 1. Additionally the proposed regulations can be so designed as to continue the present interim controls during the hearing process.

"Although it would seem that a City Planning Code amendment to continue the present interim controls should be simple and consume little staff time, the hearing process before the Planning Commission and the Board of Supervisors with required public notices, preparation of background material and attendance at public hearings prevents this from being the case. As the interim controls were not unopposed when originally adopted, it is unlikely that they will not be opposed in any new hearings on this specific subject. The addition of this workload to an already over-burdened staff would result in either a slowing down of the present Residential Zoning Study work of preparing precise zoning maps or require drawing staff from other current tasks of the Department.

"The Department believes that new interim controls can be prepared by the July 1, 1976 deadline, and, if desired by the Commission, these controls can continue fully the present interim controls where they would be more res-

trictive than future proposed controls. Thus, the Department would not recommend that a Code amendment be initiated by the Commission to continue the interim controls."

Members of the Commission indicated that they would read the memorandum and would be prepared to discuss it at a future meeting.

At this point in the proceedings, Commissioner Mellon absented himself from the meeting room for the remainder of the meeting.

REVIEW AND DISCUSSION OF WORK PROGRAM AND BUDGET FOR DEPARTMENT OF CITY
PLANNING WHICH HAS BEEN SUBMITTED TO THE CONTROLLER FOR FISCAL YEAR 1976-77.

After discussion, it was moved by Commissioner Starbuck, seconded by Commissioner Rosenblatt, and carried unanimously that the Commission would support the budget as submitted and that it would, in addition, submit a supplemental budget to provide for new positions for the Zoning Division of the Department.

The meeting was adjourned at 6:25 p.m. in respect to the memory of Mortimer Fleishhacker.

Respectfully submitted,

Lynn E. Pio
Secretary

CSS
#10
3/25/76

~~SAN FRANCISCO~~
~~CITY PLANNING COMMISSION~~

Minutes of the Special Meeting held Thursday, March 25, 1976.

The City Planning Commission met pursuant to notice on Thursday, March 25, 1976, at 1:00 P.M. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Toby Rosenblatt, Vice President.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Calvin Malone, Planner IV; Alec Bash, City Planning Coordinator; Janis Birkeland, City Planning Coordinator; Alan Lubliner, City Planning Coordinator; Wilbert Hardee, Planner III; Douglas Holmen, Planner II; Paul Rosetter, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; Dan Borsuk represented the San Francisco Progress; and Richard Saiz represented Television Station KQED.

1:00 P.M. - Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:00 P.M. to take a field trip to properties which will be considered during the Zoning Hearing to be held on April 1, 1976.

2:15 P.M. - Room 282, City Hall

CURRENT MATTERS

Edward I. Murphy, Acting Director of Planning, reminded the members of the Budget and Personnel Committee (Commissioners Rosenblatt, Dearman, Lau) of a meeting scheduled next Thursday at 12:00 Noon. He also noted that the full Commission is scheduled to take a field trip to St. Francis Memorial Hospital at 1:00 P.M. on that date.

Mr. Murphy then read the following statement:

"The Planning Commission has received a request from Supervisors Mendelsohn, Francois and Molinari to report to the Board of Supervisors about preferential parking.

"Preferential parking is sometimes known as the 'Neighborhood Sticker Plan'. In such an arrangement a time limit on parking is placed in areas suffering substantial impact from all-day commuter parking or similar parking congestion problems. Neighborhood residents are eligible to receive stickers which exempt them from the time limit, however.

"Considerable staff research has already been completed on this subject, and a summary of research is contained in the appendix to the Parking: Conditions and Trends report completed late last year as part of the joint departmental Parking in San Francisco Study.

"With the concurrence of the Comprehensive Plans Committee of the Commission, staff has scheduled a Public Hearing on the entire Parking in San Francisco Study tentatively for April 15. However, it would be possible to separate out the preferential parking material for presentation to the Fire, Safety and Police Committee of the Board at its hearing on April 8."

After discussion it was moved by Commissioner Starbuck, seconded by Commissioner Dearman, and carried unanimously that the staff be instructed to proceed with the presentation before the Fire, Safety and Police Committee on April 8 and that a public hearing be scheduled before the Commission on April 15.

Mr. Murphy advised the Commission that Mayor Moscone had requested all departments to reduce their budget request to a level of 4% below their present budgets. He also indicated that the Mayor had scheduled two public hearings on the budget which will be attended by members of the staff.

Mr. Murphy then read the following statement:

"Before you is a list of 13 projects which are proposed for inclusion in the supplemental report to the Capital Improvement Program report of January 20, 1976.

"The list contains several significant projects for Laguna Honda Hospital which relate to the State Fire Marshall's 'Statement of Deficiencies.' These projects represent 'first phase' corrective action at the Hospital. The project for the Sheriff is important, also. The location of the present hand gun

storage facility is in violation of Minimum Jail Standards and a federal court order. This project will provide for its relocation outside the jail security area. All projects on the list are in conformity with the Master Plan in the opinion of the staff."

Commissioner Finn asked if supplemental budget requests had been submitted for all of the projects on the list which had been given an "essential" rating. Calvin Malone, Planner IV, replied in the affirmative.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that the projects be approved as in conformity with the Master Plan.

Commissioner Dearman requested that the Commission consider adopting a policy position regarding Proposition 15 on the June State-wide ballot (the Nuclear Power Plants Safe Guard Initiative) at its meeting next week.

At this point in the proceedings Commissioner Mellon arrived in the meeting room and assumed his seat at the Commission table.

R76.3 - ACQUISITION OF PROPERTY AT 525 GOLDEN GATE AVENUE, PRESENTLY THE OFFICES OF THE STATE COMPENSATION INSURANCE FUND, FOR CITY OFFICES.

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the subject referral has been transmitted by the Director of Property for review as to conformity with the Master Plan.

"The proposal is to acquire the property at 525 Golden Gate Avenue, at the southwest corner of Polk Street (Lot 1 in Assessor's Block 766), for a municipal government office building. The State Compensation Insurance Fund presently occupies the seven-story building, constructed in 1958 with a net rentable area of 127,500 square feet, but intends to move to its new building now under construction at Ninth and Market Streets before the first of next year.

"The City and County presently leases space in many locations for offices, which could be consolidated in the proposed acquisition one-half block from City Hall. The Real Estate Department has identified 20 different buildings where a total of approximately 150,000 square feet of office space is leased, at an annual rent of approximately \$700,000. This includes space for such agencies as the Retirement Board, Public Administrator, City Planning, Superior Court, Employee Relations, Hetch Hetchy, Public Health, Sheriff, Public Works, District Attorney and the Mayor's Office. The acquisition would also permit consolidation of various agencies now occupying two or more locations into one building, such as Civil Service, City Planning, Public Works, Superior Court, Sheriff and the Mayor's Office.

"The Civic Center Plan, a portion of the Master Plan, indicates the site as immediately adjoining the Civic Center core area. A map included in the plan defines the site as within the administrative activity category, which encompasses political and legal activities of government, including those activities which provide for the orderly management of the affairs of government. Objective II of the Plan calls for development of the Civic Center as a cohesive area for the administrative functions of government. Policy 4 of that Objective calls for encouraging administrative-oriented governmental functions to locate in new consolidated facilities rather than being dispersed throughout the adjacent area in leased or rented quarters, and states that consolidating these functions would substantially increase convenience and efficiency."

Edward I. Murphy, Acting Director of Planning, recommended that he be authorized to report that the acquisition of the subject property is in conformity with the Master Plan.

After discussion it was moved by Commissioner Mellon, seconded by Commissioner Starbuck, and carried unanimously that the Acting Director be authorized to report that the acquisition of property at 525 Golden Gate Avenue, Lot 1 in Assessor's Block 766, for a municipal government office building is in conformity with the Master Plan.

DR76.6 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 456268 FOR THE GLENDALE FEDERAL SAVINGS BUILDING AT THE SOUTHEAST CORNER OF JUNIPERO SERRA BOULEVARD AND OCEAN AVENUE; IN A C-2 DISTRICT.

Robert Passmore, Planner V (Zoning), reported on this matter as follows:

"Under Building Permit Application No. 456268, Glendale Federal Savings and Loan is proposing to build a forty foot high, three story building with two floors of rental office space over ground level banking facilities, which would replace the small temporary facility they presently operate on the property.

"At the suggestion of the Department of City Planning staff, the architects and representatives of Glendale Federal Savings and Loan arranged for a meeting with several local community groups to present a proposed design for the structure and to ascertain neighborhood concerns. Most community association representatives at that meeting felt that additional parking should be provided for the project, beyond that required by the City Planning Code, although the transportation section of the Department of City Planning had reviewed the project and determined that additional parking should not be provided.

"Following that meeting, the Department of City Planning received several letters from the community groups represented at that meeting, raising additional concerns. The West of Twin Peaks Central Council wrote that 'the proposed structure is incompatible with the surrounding area, the setback is insufficient, and the available parking is substandard for the facility it is to serve'. Letters from the Lakeshore Acres Improvement Club, and the Ingleside Terraces Homes Association echoed these concerns.

"Subsequently, Glendale Federal Savings and Loan requested discretionary review of the proposed in response to a letter from the West of Twin Peaks Central Council indicating that they would ask the City Planning Commission to conduct a discretionary review of the proposed project unless the structure was redesigned, the setback was increased, and the amount of parking was increased. Glendale Federal Savings and Loan has subsequently informed the department staff that they would be willing to redesign the facade; however, they believe that (1) financial considerations will not permit them to build a smaller building that would result if the building were to be setback further from Junipero Serra, and (2) more parking on the site would conflict with City Planning Department requirements. Design issues relating to the facade can be addressed after the height and bulk of the proposed structure is determined."

Kern H. Copeland, Senior Vice President of Glendale Federal Savings, summarized a letter which read as follows:

"Glendale Federal Savings is the owner of property located at the southeast corner of Ocean and Junipero Serra and has located its Lakeside branch office there in a temporary building.

"Glendale Federal employed the architectural firm of Tucker, Sadler and Associates in October 1974 to design a permanent structure for its Lakeside branch at that location.

"The site is a difficult one with a severe grade differential of over twenty-five feet from one corner to the diagonal corner. Although being zoned C-2, the site has a practical limitation on the size of any structure designed for it because of a height limitation of forty feet and further restrictions on height if the building is moved away from Ocean Avenue. Parking requirements, as given by the Planning Department, of one car space for every 500 square feet were observed and further limit the size of the building. Following the guidelines presented to us by the San Francisco Planning Department, which included a major landscaping plan for the southern and western frontages, preliminary design proceeded.

"In September of 1975 after arriving at a suitable design scheme, Glendale Federal was asked to review its plans with several concerned homeowner groups from the local area. A presentation was made to the homeowner groups on November 5, 1975. Based on comments received at that meeting, certain changes were incorporated into the preliminary design of the proposed structure.

"On January 9, 1976, a 'Negative Declaration' was issued by the Department of City Planning, stating that the proposed project could not have a significant effect on the environment.

"It is now our understanding that there are still concerns being voiced about the project with respect to:

1. Size of the building (bulk and mass)
2. Number of parking spaces available

and it is because of this that Glendale Federal now respectfully requests a discretionary review by the Planning Commission in order to permit us to continue on into contract documents and ultimate construction of the project.

"Please be assured that our goal is to be a good neighbor, and to preserve or improve the desirable character of the neighborhoods we join, and it is in that spirit that we have closely followed the guidelines given to us by both the Department of City Planning and the Department of Public Works."

Commissioner Starbuck asked what proportion of the building would be occupied by Glendale Federal Savings. Mr. Copeland replied that the building would have a total occupied floor area of approximately 20,500 square feet. In reply to questions raised by Commissioners Bierman and Dearman, Mr. Copeland stated that each of the upper floors of the proposed building would have approximately 8,500 square feet of floor area; but the number of offices which would result would depend on the type of uses proposed.

Commissioner Starbuck then asked if it would be possible to relocate the building on the site. Mr. Copeland replied that it would not be possible to relocate the building without a substantial reduction in floor area because of the grade of the site and because of the height limitation applying to the property. In reply to further questions raised by Commissioner Starbuck, Mr. Copeland stated that construction of a one-story building would not be a suitable alternative; and he estimated that relocation of the building on the site to provide a greater set-back from Junipero Serra Boulevard would result in the loss of one floor of the proposed building.

Hal Sadler, architect for the applicant, stated that he had looked into three or four alternative designs for the proposed building, one of which would have involved covering the entire site with a two-story building; however, he emphasized that the design which was being proposed would provide an opportunity for considerable landscaping which would soften the impact of the structure. He displayed and described a model of the building being proposed and indicated that certain features of the facade as well as the materials to be used on the outside of the building could be modified to suit the pleasure of the Commission. He felt that the basic issues which had been raised related to the amount of parking being provided and the mass of the building; and he indicated that he had followed the guidelines provided by the staff of the Department of City Planning in dealing with those issues. In conclusion, he stated that an architect rarely works with clients who are so concerned about the design of their buildings; and he urged that the building permit application be approved.

Commissioner Starbuck asked Mr. Sadler if he could estimate the number of vehicle-trips per day which would be generated by the proposed building. Mr. Sadler replied that the number of vehicle-trips would depend on the nature of the occupants of the building; but he expected that the occupants of the upper floors of the building would generate between 25 and 30 trips per day per floor. In reply to a further question placed by Commissioner Starbuck, Mr. Sadler stated that the bank would not have a drive-up window.

Oscar Fisher, President of the West of Twin Peaks Council, stated that the proposed building had been discussed at a meeting on Monday evening when representatives of twelve of the member organizations of the Council were present; and those in attendance had voted unanimously to oppose the applicant's proposal. He felt that renderings of the building which had been presented were somewhat unclear in that they did not make it apparent that the proposed building would actually abut the adjacent P.G. & E. building. He said that the P.G. & E. building was constructed sometime ago and is not typical of other buildings in the neighborhood; and he did not feel that the existence of that building should be used as a justification for construction of a building of similar height on adjacent property. He remarked that the proposed building would be the only building on Junipero Serra Boulevard between 19th Avenue and Ocean Avenue which would not observe a sizable set-back; and he felt that the proposed building would "stick out like a sore thumb". He noted that the front door of the proposed building would be on Ocean Avenue and that the the Ocean Avenue frontage was considered to be the major facade of the building; and, as a result, the 40 foot height limit would be measured from the center point of the building on Ocean Avenue. However, if the major frontage of the building were shifted to Junipero Serra Boulevard, the 40 foot height limit would prevent the construction of a three-story building. He stated that the subject property was occupied by a one-story service station for many years. More recently, the property has been occupied by Glendale Federal Savings. He stated that the members of his organization had no objection to the present use of the site; but they felt that the building which was being proposed was too much out of scale with other buildings in the neighborhood and that it would not provide set-backs comparable to those provided by other buildings in the area, such as the Commodore Sloat School. He recognized that people proposing to construct a building on commercial property wish to take maximum advantage of their property; but he did not feel that such projects should be at the expense of adjacent single-family residential neighborhoods. In conclusion, he stated that residents of the subject neighborhood had been very much involved in the planning of Stonestown; and he emphasized that the shopping area at Stonestown is separated from adjacent residential areas.

No one else was present in the audience to address the Commissioner on this matter.

Mr. Passmore stated that the staff of the Department of City Planning did not share the concerns which had been raised by residents of the neighborhood to the same degree. He stated that the policy of the Department of City Planning is to try to reduce reliance on use of private automobiles and to encourage use of public transit. He noted that the proposed building would be well served by public transit; and, furthermore, he noted that the building would meet the minimum off-street parking requirements of the City Planning Code. With regard to the bulk of the proposed building, he remarked that the developer had committed himself to providing a substantial amount of landscaping on the west and south sides of the property and on adjacent property owned by the Water Department; and, while the proposed building would be quite visible, he believed that it would be softened by the landscaping which would be provided. He recommended that the building permit application be approved subject to nine conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Bierman, noting that Condition No. 2 of the draft resolution stated that "the penthouse structure should be modified to extend as little as possible above the roof of the building", asked what use would be made of the penthouse. Mr. Passmore replied that the penthouse would house the elevator mechanism for the building.

Commissioner Bierman then asked if any investigation had been made of the need for rental offices in the subject neighborhood. Mr. Copeland replied in the affirmative, indicating that Coldwell-Banker had made a survey for this firm and had determined that there is a substantial need for rental office space in the neighborhood.

It was then moved by Commissioner Mellon and seconded by Commissioner Finn that the draft resolution be adopted.

Commissioner Starbuck stated that he would vote against the motion because he felt that the proposed building would be too massive for the subject site.

Commissioner Bierman stated that she, also, intended to vote against the motion because she felt that the proposed building would take too much advantage of the land and that it would not be compatible with the adjacent neighborhood. She remarked that the Commission had been faced with similar situations in the past; and, recently an amicable solution was reached because the developer was willing to sit down with residents of the neighborhood to discuss their concerns. She hoped that the developer in the present instance would be equally cooperative.

President Lau asked the applicant to comment on the possibility of providing a deeper set-back on Junipero Serra Boulevard. Mr. Copeland replied that his firm had purchased C-2 property and had endeavored to develop it to the fullest extent possible while keeping their project reasonably compatible with the neighborhood; and provision of a greater set-back along Junipero Serra Boulevard would result in the loss of usable office space.

Mr. Sadler stated that a 10 foot set-back could be provided along Junipero Serra Boulevard with the height of the proposed building remaining at three stories; but he felt that it was questionable whether such a set-back would really make any difference. A 50 foot set-back from Junipero Serra Boulevard would be impossible. While it would be possible to set the building further back from Ocean Avenue, such a set-back would not really answer the concerns of neighborhood representatives; and, since Ocean Avenue is a pedestrian oriented street, such a set-back would not necessarily be desirable.

Commissioner Starbuck remarked that the adjacent P.G. & E. building resembles a bunker; and that building, in combination with the building presently being proposed, would result in a large building mass at the subject intersection. Mr. Sadler acknowledged that the P.G. & E. building is a "barn". However, he emphasized that the building does exist and that it has established a precedent. He stated that he had spent approximately eighteen months designing the proposed building and had tried to design it in thoughtful manner; and he felt that the proposed building would soften the impact of the P.G. & E. building. He remarked that his clients are businessmen; and, for that reason, they had purchased property in a C-2 district. He felt that they should be allowed to proceed with the building as proposed.

Commissioner Bierman asked if any neighborhood organization in the area had indicated its support of the proposed building and received a negative response.

Commissioner Finn asked if there was any possibility whatsoever of a set-back along Junipero Serra Boulevard. Mr. Sadler replied that a set-back would not be economically feasible. He also remarked that the building which he had designed would not take maximum advantage of the site.

Mr. Fisher remarked that Glendale Federal Savings could continue to provide a service for the neighborhood in its present building or in a new one-story building on the site if that is its basic desire. However, if the basic intention and desire of the bank is to develop an office building on the site, he did not feel that the bank was giving proper consideration to the sensitivity of the property.

President Lau then stated that only six members of the Commission were present; and he remarked that a tie vote would result in disapproval of the subject building permit application. Therefore, if the Commission were to vote on the matter, he felt that the application might be disapproved. Under the circumstances, he asked the applicants if they would be willing to have the matter taken under advisement so that they could meet further with neighborhood representatives to discuss the possibility of a compromise relating to the size of the building or a set-back along Junipero Serra Boulevard. Mr. Copeland replied that President Lau's proposal would be acceptable. Mr. Fisher also indicated his support of the delay.

Subsequently, Commissioners Mellon and Finn withdrew their motion and second for adoption of the draft resolution which had been prepared by the staff. It was then moved by Commissioner Dearman, seconded by Commissioner Starbuck, and carried unanimously that this matter be taken under advisement until the meeting of May 6, 1976.

EE75.155 - CONSIDERATION OF RECERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE NORTH SHORE OUTFALLS CONSOLIDATION; SAN FRANCISCO WASTEWATER MASTER PLAN, IMPLEMENTATION PROJECT III.

Selina Bendix, Environmental Review Officer, stated that the final Environmental Impact Report for this project had been certified by the City Planning Commission on December 18, 1975. Subsequently, however, additional comments had been received from the State Clearinghouse. Following discussion with a representative in the City Attorney's office, a decision had been made that the additional comments should be included in the report and that the report should be recertified by the Commission. After summarizing the comments which had been added to the Environmental Impact Report, she recommended the adoption of a draft resolution which contained the following resolves:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby RECERTIFY THE COMPLETION of said Report, as amended, in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in recertifying the completion of said Report again finds that the project as proposed will not have a significant effect on the environment."

After discussion it was moved by Commissioner Starbuck, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission No. 7469.

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 456792 FOR ADDITION OF A SECOND UNIT TO A SINGLE-FAMILY HOUSE AT 944 CHESTNUT STREET, IN AN R-1 DISTRICT.

Robert Passmore, Planner V (Zoning), stated that a letter had been received from Frank Hinman, President of the Russian Hill Improvement Association, requesting a discretionary review hearing on this matter. Mr. Passmore stated that the site, which has an area of 10,000 square feet, is occupied by a large single-family house. A second dwelling unit has been added to the house without benefit of a building permit; and the applicant had filed the building permit application to legalize the second unit. The City Planning Code provides that additional units may be added in R-1 districts providing that at least 3,000 square feet of lot area is available for each dwelling unit; however, a variance would have to be granted to permit installation of a second unit without provision of a second off-street parking space. Mr. Passmore stated that the City Planning Commission in the past has had an informal policy of reviewing such proposals under its discretionary authority, and he noted that the Residential Zoning Study will propose that additional units be permitted in R-1 districts only as conditional uses.

Mrs. Hinman, who was present in the audience, felt that Mr. Passmore had adequately covered the particulars of the present case; however, she emphasized that her organization was concerned about the problem in general as well as the present application in particular. She urged that the Commission conduct a discretionary review hearing of the application.

Dimtri Barton, the applicant, stated that he understood that the staff intended to recommend that the discretionary review be held on April 1. He indicated that he had not been notified of the present meeting; and he felt that he would not be able to prepare a presentation for the Commission in only one week's time. Therefore, he requested that the discretionary review be held at a later date.

Mr. Passmore recommended that the discretionary review be scheduled for May 6.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Finn, and carried unanimously that the request for discretionary review of Building Permit Application No. 456792 be granted and that the discretionary review be scheduled for the Commission's Regular Meeting on May 6, 1976.

At 3:30 P.M. President Lau announced a 10 minute recess. The Commission reconvened at 3:40 P.M. and proceeded with hearing of the remainder of the agenda.

EE73.195

EE73.196

EE73.200

EE73.201

EE73.205 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR FIVE 6-UNIT APARTMENT BUILDINGS ON THE EAST AND WEST SIDES OF 10TH AVENUE BETWEEN LINCOLN WAY AND IRVING STREET.

(Postponed from meeting of January 22, 1976.)

Selina Bendix, Environmental Review Officer, summarized the Environmental Impact Report for the proposed project, and responded to questions which were raised by members of the Commission.

The Commission then received and responded to comments made by Michael Ohleyer, attorney for the applicants; Denis Mosgofian, 1227 10th Avenue; Jean Perkinson, 1360-11th Avenue; Stephen Oberg; 1237 10th Avenue; Allen Chalmers, 1231-12th Avenue; Bob Davidson, Director of a community youth agency located at 11th Avenue and Irving Street; Pat O'Neil, owner of property at 1586-15th Avenue, and one of the applicants; Mark Koplan, a resident of the area; Ed Weil, representing the Sunset-Parkside Education and Action Committee (SPEAK); Karl Mosgofian, 1227-10th Avenue; John Bardis, Chairman of the Housing and Zoning Committee of the Inner-Sunset Action Committee (ISAC); George Faltico, consultant for the applicants; Anna Murphy, 1334-5th Avenue; and Marcia Lindeen, 1334-5th Avenue.

At the conclusion of the public hearing, it was moved by Commissioner Finn, seconded by Commissioner Mellon, and carried unanimously that this matter be taken under advisement until the meeting of June 10, 1976.

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription. In addition, Joanne Goluch, a short-hand reporter, was present and will prepare a transcript of the meeting of the hearing which will be available in the files of the Department of City Planning.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NOS. 428231, 428406, 428407, 428408, AND 428410.

(Postponed from meeting of January 22, 1976.)

It was moved by Commissioner Finn, seconded by Commissioner Mellon, and carried unanimously that consideration of this request

be postponed until the meeting of June 10, 1976, since the Commission had not yet certified the completion of the Environmental Impact Report for the proposed project.

DR76.4 - REVIEW FOR COMMENT OF BUILDING PERMIT APPLICATION NO. 452024 AND DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 454650, EACH FOR A THREE FLOOR COMMERCIAL BUILDING WITHOUT OFF-STREET PARKING AT THE NORTH-EAST CORNER OF SACRAMENTO AND LAUREL STREETS. (3480 AND 3496 SACRAMENTO STREET.)
(Under advisement from meeting of March 11, 1976.)

Robert Passmore, Planner V (Zoning), reported that the applicants had met with representatives of the neighborhood and had agreed to merge the two lots and to construct a single building with 10 off-street spaces which will require a variance from the City Planning Code. Residents of the neighborhood had accepted that proposal and had agreed to support the variance. He then read a letter which had been addressed by Margaret Gault and John B. Lowry, residents of the neighborhood, to Michael Pietro and Milton Vrionis, the applicants as follows:

"This relates to your application for a building permit for 3480 Sacramento Street which is presently the subject of an appeal by the undersigned to the Board of Permit Appeals.

"At a meeting with neighborhood representatives, Milton Vrionis (the owner of 3492 Sacramento Street) and Messrs. Passmore and Sullivan of the Department of City Planning on March 18, you and Mr. Vrionis presented plans prepared by your architect William Schuppel, who was also present, for a larger single building at 3480-3492 Sacramento Street to be owned jointly by you and Mr. Vrionis. These plans showed several changes in response to concerns of the neighborhood to the two separate buildings initially proposed at these addresses, including in particular provisions for off-street parking space and a revised first floor and exterior layout.

"It was stated by Mr. Passmore at that meeting that the approval by the Planning Commission of the plans for the larger single building would require a zoning variance because the ten parking spaces provided would not meet the minimum requirements of the Planning Code.

"It was pointed out by you at the meeting that construction of the larger single building might also be affected by possible future restrictions on sewer connections.

"The plans for a larger single building and the other proposed compromises discussed at the meeting appear to be a reasonable and satisfactory response to the concerns expressed by the neighborhood which are the basis for my appeal to the Board of Permit Appeals. Accordingly, if you will agree to the matters set forth below, all of which I believe reflect the understandings of the meeting of March 18, then:

1. I shall withdraw my pending appeal to the Board of Permit Appeals as to 3480 Sacramento Street;
2. I shall personally support, and advise my neighbors to support, the request of you and Mr. Vrionis for the zoning variance as to parking required for the granting of a permit to construct the larger single building at 3480-3492 Sacramento Street;
3. I shall personally not request, and shall advise my neighbors not to request, that either the Planning Commission or the Board of Permit Appeals review the application for a permit to construct the larger single building at 3480-3492 Sacramento Street;
4. Mr. John Lowry as an interested neighbor will by endorsing this letter make the same agreements as made by me in (2) and (3) above;
5. Mr. Robert Beach on behalf of the Presidio Heights Association of Neighbors will by separate letter to you confirm the concurrence of the Association in (2) and (3) above.

"In consideration of the foregoing, you are asked to agree to the following:

1. You and Mr. Vrionis will as promptly as possible submit plans to the Building Department for the larger single building at 3480-3492 Sacramento Street as described in the plans presented at the meeting of March 18, subject to the revisions agreed to herein. You and Mr. Vrionis will proceed as promptly and diligently as possible to

obtain all necessary permits, approvals and variances required to construct such building, and will upon the granting of the required building permit withdraw all other permits or applications for permits on both 3480 Sacramento Street and 3492 Sacramento Street.

2. The plans presented to the meeting of March 18 show the following particular details, each of which you specifically agree shall be included in the building and site as constructed:
 - a. That the entrances to the parking garage and ground-floor retail shops shall be on Sacramento Street;
 - b. That the main entrance to the offices on the second and third floors shall be on Laurel Street, consisting of an interior elevator lobby and elevator, and there shall be no other exit or entrance on Laurel Street;
 - c. That there shall be no entrance or exit on the north side of the building;
 - d. That there shall be attractive street planting consisting of not less than five trees on Sacramento Street and three trees on Laurel Street, and attractive planting next to the building.
3. The plans presented to the meeting of March 18 do not show the following details, each of which you specifically agree shall be included in the building and site as constructed:
 - a. That the north side of the building shall be the same in exterior appearance as the Sacramento Street and Laurel Street sides, including exterior siding and trim, cornice (subject to your obtaining any required easement for projections beyond property lines), windows and other architectural treatment.
 - b. That there be no advertising signs (including window signs) visible on the north side of the building or on the Laurel Street side of the building, except that there may be an attractive sign, not more than three square feet in

size, adjacent to the entrance on Laurel Street and limited to an identification of the building by name and number.

- c. That any exterior advertising signs on the Sacramento Street side of the building shall be flush with the building and shall not project over the sidewalk.
- 4. The plans presented to the meeting of March 18 do not show elevation on Laurel Street and the north side of the building, and you agree to present such plans to me promptly for my approval as to (2) and (3) above, which approval shall not be unreasonably withheld.
- 5. The ground floor of the building, including the raised portion at the rear of the building,
 - a. shall not be occupied (in whole or in part) for use as a restaurant, or as a bar or any other use involving a license for the on-site consumption of beer, wine, or other alcoholic beverages;
 - b. shall not be occupied (in whole or in part) for any use as to which the minimum off-street parking requirements of Section 138 of the Planning Code* would not be satisfied by providing one off-street parking space for each 500 square feet of occupied floor space (whether or not such parking space is in fact provided);
 - c. shall, except as limited by (a) and (b) above, be occupied solely for use as retail stores, offices and other uses of the sort presently located in the neighborhood.
- 6. The second and third floors of the building:
 - a. shall not be occupied (in whole or in part) for use as a restaurant, or as a bar or any other use involving a license for the on-site consumption of beer, wine, or other alcoholic beverages;

* Amended Ordinance 136-68, approved May 29, 1968, as now in effect and not as may be amended hereafter, and without reference to any Code provisions otherwise providing.

- b. shall, except as limited in (a) above, be occupied solely for use as medical and dental offices or business offices.
7. In the event a permit for the larger single building at 3480-3492 Sacramento Street is not granted and you proceed with construction of the building at 3480 Sacramento Street pursuant to the permit which is presently pending before the Board of Permit Appeals, the agreements above in 2 (as to the reduced frontage on Sacramento Street), 3, 5 and 6 shall apply also to 3480 Sacramento Street.
8. The agreements above in 2, 3, 5 and 6 shall, subject to the consent of the Department of City Planning, be included in the zoning variance required for construction of the single building at 3480-3492 Sacramento Street. Such inclusion, or the lack or modification thereof, shall not affect any of the terms of this agreement nor the rights of the parties hereunder.
9. The agreements above in 2, 3, 5 and 6 shall be covenants running with the land at 3480 and 3492 Sacramento Street, and you as owner will execute and acknowledge appropriate documents for recordation of such covenants.

"Your execution and return to me of a copy of this letter will constitute your agreement, as owner of 3480 Sacramento Street, to the foregoing terms and conditions."

Mr. Passmore then recommended that the Commission act to disapprove Building Permit Application No. 454650 on the basis that the building proposed would have an adverse effect on traffic in the neighborhood since it would not provide off-street spaces, that it urge both applicants to proceed with the applications which would be necessary for the alternate building which had been proposed, and to instruct the staff to advise the Board of Permit Appeals that the building proposed in Building Permit Application No. 454024 would be inappropriate for the neighborhood and should be disapproved. In conclusion, he stated that Robert Beach, the individual who had requested discretionary review of the building permit applications, wished to express his appreciation to Mr. Pietro for his willingness to give consideration to the concerns of residents of the neighborhood.

After discussion, it was moved by Commissioner Dearman, seconded by Commissioner Starbuck, and carried unanimously that the staff be requested to prepare a draft resolution of disapproval for Building Permit Application No. 454650 at the Commission's next regular meeting on April 1, 1976. The Commission also instructed the staff to advise the Board of Permit Appeals that the building proposed in Building Permit Application No. 454024 would be inappropriate for the neighborhood and that it should be disapproved. The Commission also urged both applicants to proceed with the alternate project as quickly as possible and requested the staff of the Department of City Planning to expedite the processing of the applications for that building.

The meeting was adjourned at 6:50 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

SUMMARY AND MINUTES
OF THE
SAN FRANCISCO
CITY PLANNING COMMISSION
SPECIAL MEETING
TUESDAY
MARCH 30, 1976
100 LARKIN STREET
12:00 NOON

PRESENT: Commissioners Bierman, Dearman, Finn, Lau, Rosenblatt, Starbuck.

1. EXECUTIVE SESSION

The Commission met in Executive Session to consider the selection of a new Director of Planning.

Adjourned: 2:30 p.m.

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DOCUMENTS

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, April 1, 1976.

The City Planning Commission met pursuant to notice on Thursday, April 1, 1976, at 1:00 p.m. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; R. Spencer Steele, Assistant Director-Plans and Programs (Zoning Administrator); Robert Passmore, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning); Janis Birkeland, City Planning Coordinator; Robert Feldman, Planner II; Paul Rosetter, Planner II; Eva Levine, CETA Staff Aide I; and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

1:00 P.M. - Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:00 p.m. to take a field trip to St. Francis Memorial Hospital at 900 Hyde Street in connection with matters to be considered by the Commission later in the meeting.

2:15 P.M. - Room 282, City Hall

APPROVAL OF MINUTES

It was moved by Commissioner Mellon, seconded by Commissioner Rosenblatt, and carried unanimously that the minutes of the meeting of February 19, 1976, be approved as submitted.

CURRENT MATTERS

Edward I. Murphy, Acting Director of Planning, advised that the meeting of the City-wide Comprehensive Plans Committee scheduled for next week will be cancelled.

Mr. Murphy continued his report as follows:

"Before each member of the Commission are papers relating to a suit brought against various City agencies with regard to 3532 Balboa Street. These papers were served on the Commission Secretary on March 26.

"The case is primarily a zoning enforcement matter, since it relates to actions by the Zoning Administrator to abate a violation involving a wholesale

food processing establishment in a retail commercial district. The matter has now reached the stage of permit revocation proceedings before the Department of Public Health.

"Because this is a zoning enforcement matter it appears that the Commission is not properly a party to the suit. Nevertheless, the City Attorney will be representing the Commission as well as the Department in court on the matter."

Mr. Murphy then read the following statement:

"The members of this Commission are required to file, during the month of April, the annual financial disclosure statements specified by Section 3700 of the Government Code.

"Forms for this filing are available at the office of the Registrar of Voters or, if the Commissioners wish, the Department can obtain copies for you.

"In future years the procedure may be somewhat different, because each part of the local government, including this Commission, will be obligated to adopt its own Conflict of Interest Code. In San Francisco the preparation of these codes is being overseen by the Board of Supervisors, and the Board is expected to issue directives within a few weeks as to what the individual codes should contain. The deadline established by the Board for preparation of the codes is July 1 of this year.

"These future requirements will not, however, affect the existing rules regarding filing during April 1976."

Members of the Commission requested the staff to obtain copies of the form.

Commissioner Starbuck announced that a draft of an ordinance for protection of trees has been completed and is ready for presentation to the Commission at next week's meeting; and he commended the staff for the quality of its work.

President Lau stated the Commission will begin interviewing candidates for the position of Director of Planning on April 9; and he indicated that it was the hope of the Commission that an appointment would be made before the end of the month.

CONSIDERATION OF ADOPTION OF POLICY STATEMENT REGARDING PROPOSITION 15 ON THE JUNE 1976 STATEWIDE BALLOT. (THE NUCLEAR POWER PLANTS SAFEGUARD INITIATIVE.)

Commissioner Dearman stated that she had requested that this matter be calendared for consideration; and she recommended that the Commission adopt a draft resolution which read as follows:

"WHEREAS, The City Planning Commission recognizes the vital issues involved in the Nuclear Safeguards Initiative appearing on the June 1976 California Ballot and hereby wishes to make its position known; and

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"WHEREAS, The City Planning Commission is concerned with conflicting accounts from experts representing both sides of the issue regarding nuclear power plant safety, waste disposal, sabotage, economics, and the general spread of nuclear power systems and the related danger of weapons development; and

"WHEREAS, The City Planning Commission believes in the right of all California residents to have a clean and safe environment and protected natural resources; and

"WHEREAS, The City Planning Commission believes that the public interest will best be served by the provisions specified in the Nuclear Safeguards Initiative, which are:

1. Removal of liability insurance limitations
2. Publication of emergency evacuation plans
3. Assurance of nuclear power safety in the three areas of:
 - a. Effectiveness of plant safety systems
 - b. Long-term waste disposal
 - c. Prevention of theft of radioactive materials and sabotage

and that these provisions be verified by the California State Legislature in the manner specified in the initiative;

"THEREFORE BE IT RESOLVED, That the City Planning Commission supports the intent of the Nuclear Safeguards Initiative;

"AND BE IT FURTHER RESOLVED, That the City Planning Commission urges the San Francisco Board of Supervisors to conduct public hearings on this matter."

Commissioner Mellon noted that the Commission had not held any public hearings on this matter; and he questioned whether it would be appropriate for the Commission to adopt the proposed policy. He stated that he had heard arguments on both sides of the issue; but he did not feel that he knew enough about the issue to endorse the initiative at the present time. He remarked that nuclear plants have existed off the California coast for a number of years; and, to the best of his knowledge, they have had an excellent safety record. In view of the current energy shortage and this country's dependence on other countries for oil, he felt that alternate power sources should be explored. He indicated that he intended to vote against adoption of the draft resolution.

Commissioner Rosenblatt stated that he had not completed his research on this issue; and, as a result, he was not prepared to vote for adoption of the draft resolution as worded. He suggested that the draft be modified to place more emphasis on the request that public hearings be held by the Board of Supervisors on the issue. He further suggested that the resolution should reflect the names of the individual members of the Commission who support the initiative and that it should not be adopted as the policy of the full Commission.

Commissioner Starbuck stated that the initiative is on the ballot because the issue of nuclear power plant safety deserves wide-spread public debate; and he emphasized that the draft resolution was worded so that the Commission would not be endorsing the initiative itself but only the intent of the initiative.

Commissioner Rosenblatt remarked that it would still appear that the Commission was supportive of the initiative itself; and he indicated that he was not yet prepared to take that position.

Commissioner Bierman stated that she does support the initiative.

Dwight Cocke, representing the sponsors of the initiative, stated that the public has generally been uninformed about the safety of nuclear plants; and he felt that the initiative was timely in that a sizable expansion program involving construction of nuclear plants is about to be initiated within California. The basic intent of the initiative was to increase public awareness of nuclear hazards; and he encouraged the Commission to endorse the initiative.

Commissioner Bierman stated that she had attended meetings where both sides of the issue had been debated; and her own point of view was that the safeguards which would be provided by passage of the initiative would be in the general public interest since there is presently some considerable doubt about the safety of nuclear plants. The basic purpose of the initiative was to assure that the construction of nuclear plants would be approached with extreme caution; and she felt that the Commission should endorse the initiative.

Subsequently, it was moved by Commissioner Dearman and seconded by Commissioner Bierman that the draft resolution be adopted.

Commissioner Rosenblatt requested permission to abstain from voting on the motion since he had not made up his mind as to how he wished to vote. The Rules and Regulations of the City Planning Commission provide that all members present shall vote for or against each question brought to a vote unless a member is excused from voting by a motion adopted by a majority of the members present. When the Secretary called the roll, Commissioner Rosenblatt's request to abstain from voting was denied by a vote of five to two. Commissioners Rosenblatt and Mellon voted "aye"; Commissioners Bierman, Dearman, Finn, Lau and Starbuck voted "no."

Commissioner Finn stated that he would vote for adoption of the draft resolution; but he would prefer to have changes made in the draft. He therefore moved that the matter be taken under advisement for one week. The motion was seconded by Commissioner Rosenblatt. When the question was called, the Commission voted unanimously to take this matter under advisement until the meeting of April 8, 1976.

DR76.4 - CONSIDERATION OF DRAFT RESOLUTION DISAPPROVING BUILDING PERMIT APPLICATION NO. 454650 FOR A THREE FLOOR COMMERCIAL BUILDING WITHOUT OFF-STREET PARKING AT 3496 SACRAMENTO STREET.
(UNDER ADVISEMENT from meeting of March 25, 1976.)

Robert Passmore, Planner V (Zoning), stated that the Commission had taken this matter under advisement from the meeting of March 25 and had requested the

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staff of the Department of City Planning to prepare a draft resolution of disapproval. He then distributed a draft resolution which had been prepared with the following resolves:

"THEREFORE BE IT RESOLVED, That the City Planning Commission finds that the public necessity, convenience and general welfare should require that the commercial building as proposed under Building Permit Application No. 454650 be DISAPPROVED.

"BE IT FURTHER RESOLVED, That the City Planning Commission hereby urges the developer of the subject lot, and the developer of the adjacent lot to the east to file those applications with the City that are necessary to receive approval for the construction of a building in general conformity with plans by McSweeney, Schuppel, Architects entitled 'Office Building for Pietro & Sons, Combined Scheme' dated March 18, 1976, and further urge that the design and occupancy of said building be consistent with the conditions concerning design and occupancy contained in the letter from Margaret Gault to Michael Pietro dated March 24, 1976, a copy of which is on file in the Department of City Planning."

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7470.

Commissioner Starbuck felt that Mr. Pietro should be commended for effecting one of the best compromises which the Commission had seen to date.

EE74.268 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT TO BUILD A NEW HOSPITAL ADDITION IN PHASED INCREMENTS. (ST. FRANCIS MEMORIAL HOSPITAL, 900 HYDE STREET, NORTHEAST CORNER OF BUSH STREET.)

Paul Rosetter, Planner II, summarized the Environmental Impact Report and revisions to the report dated April 1, 1976, and responded to questions raised by members of the Commission.

The Commission then received and responded to comments made by members of the audience including Allen Robinson, representing Skidmore, Owings and Merrill, Architects for St. Francis Hospital; Kim Clark, attorney for St. Francis Hospital; David Low, Director of the Chinese Hospital; Mark Forrester, representing the North of Market Senior Service Center; Jean Mellor, President of the North of Market Senior Organization; Henry Der, Executive Director of Chinese for Affirmative Action; Paul Wong, Director of the Chinese Newcomers Organization; and Robert Randall, Associate Director of St. Francis Hospital.

At the conclusion of the hearing, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that this matter be taken under advisement until the meeting of April 22, 1976 at 4:00 p.m.

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

CU76.9 - 900 HYDE STREET, NORTHEAST CORNER OF BUSH STREET. REQUEST FOR AUTHORIZATION TO CONSTRUCT A NEW HOSPITAL ADDITION IN PHASED INCREMENTS; IN AN R-5-C DISTRICT.

Since the draft Environmental Impact Report for expansion of St. Francis Hospital had not been certified as complete, consideration of this matter was postponed until the meeting of April 22, 1976.

At 4:10 p.m. President Lau announced a 15 minute recess. The Commission reconvened at 4:25 p.m. and proceeded with hearing of the remainder of the agenda.

LM76.3 - PUBLIC HEARING ON PROPOSAL TO DESIGNATE THE SAN FRANCISCO ART INSTITUTE, 800 CHESTNUT STREET, AS A LANDMARK.
(Postponed from meetings of February 15, 1976 and March 4, 1976.)

The Secretary read a letter which had been received from Roy Ascott, Acting President of the San Francisco Art Institute, as follows:

"This is to inform you that at a meeting of the Board of Trustees of the San Francisco Art Institute, held March 30, 1976, it was decided to withdraw the Institute's application for landmark status.

"The decision reflects the view that landmark status as proposed is no longer in the best interests of the Institute.

"We are most appreciative of your forbearance and consideration in this matter."

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, stated that the proposal for designation of the Art Institute building had been initiated by the Art Institute; and the case report on the building had been prepared by a member of the Institute's staff. The Landmarks Preservation Advisory Board had spent a considerable amount of time discussing the proposed designation. When the matter had first appeared on the City Planning Commission's agenda, representatives of the Art Institute had requested that the hearing be postponed so that the board of trustees of the Institute could meet with her and Mr. Steele of the staff of the Department of City Planning to discuss the effect of Landmarks designation; but that meeting had never been held. She felt that the Art Institute building is unquestionably a Landmark; however, in view of the letter which the Commission had received from the Acting Director of the Art Institute, she recommended that the matter be sent back to the Landmarks Preservation Advisory Board for further consideration.

Commissioner Rosenblatt, a member of the Board of Trustees of the Art Institute, apologized for the fact that no arrangements had been made for the meeting with Mrs. Platt and Mr. Steele; but he indicated that he had explained the provisions of Article 10 of the City Planning Code to the other members of the board. He stated that he had not participated in decisions made by the Board of Trustees on this matter; and he did not intend to participate in any vote which might be

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taken by the City Planning Commission on the matter. However, he felt that it would be desirable to return the matter to the Landmarks Preservation Advisory Board for further consideration. After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that this matter be returned to the Landmarks Preservation Advisory Board for further consideration and that the Board be requested to report back to the Commission on May 13, 1976, at 3:00 p.m.

ZM75.11 - THE PROPERTY TO THE WEST OF RICKARD STREET AND TO THE REAR OF THE PARCELS FROM 142 TO 198 GAVEN STREET, APPROXIMATELY 2½ ACRES OF VACANT LAND.

M-1 to an R-1 OR OTHER APPROPRIATE DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), called attention to a letter which had been received from Eneas J. Kane, Executive Director of the San Francisco Housing Authority, as follows:

"Last week Authority staff accidentally found out that the proposed down zoning of a parcel at Rickard and Weldon Streets owned by this Authority was calendared for your April 1, 1976 Public Hearing. Inquiries by phone resulted in this Authority receiving the official notification of this Hearing last Thursday, March 25, 1976, at approximately 4:00 p.m.

"Needless to say that we are disturbed by this late notification, particularly in light of the 20-day legal notification requirement. I, therefore, respectfully request this matter to be continued until your next Public Hearing for issues of this nature."

Mr. Steele recommended that hearing of this matter be postponed until the meeting of May 6, 1976, at 2:30 p.m.

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the hearing be postponed until the meeting of May 6, 1976, at 2:30 p.m.

CU75.52 - WESTERLY HALF OF THE BLOCK BOUNDED BY JEFFERSON, JONES, LEAVENWORTH AND BEACH STREETS.
REQUEST FOR AUTHORIZATION FOR A 125 ROOM HOTEL AS PART OF A 2-BUILDING COMMERCIAL DEVELOPMENT; IN A C-2 DISTRICT AND IN NORTHERN WATERFRONT SPECIAL USE DISTRICT NO. 2.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is presently used as a public parking lot for 142 cars with access to Leavenworth Street. He stated that the applicants proposed to construct a 125-room hotel of 69,040 gross square feet of floor area as part of a two-building commercial development on the site. In addition to the hotel, there would be 45,000 square feet of commercial space for 70 to 80 retail shops and a 250-seat restaurant. The total two-building project would be on four levels with approximately 130,000

gross square feet. Parking would be provided in the 649 space Wharfpark garage, approved as a conditional use in 1972. That garage occupies the easterly portion of the subject block. He stated that hotels and motels are permitted in C-2 districts within the Northern Waterfront Special Use District No. 2 only as conditional uses.

William C. Rosso, representing the applicant, emphasized that the subject property is zoned for commercial use; and, while the applicant was proposing to construct only 128,000 square feet of commercial space on the site, the provisions of the City Planning Code would permit more than 200,000 square feet of commercial floor space to be constructed on the site. The proposed development would cover only 65% of the site, leaving 35% of the site for open space. The retail portion of the project is a permitted use; and a conditional use application had been filed so that permission could be obtained for construction of the hotel. In designing the project, the applicant's architects had referred to the Northern Waterfront Plan, the Urban Design Plan, and the Recreation and Open Space Plan and had tried to incorporate features of those plans into the project. The proposed hotel would be small and intimate and would cater to tourists. It would have no convention facilities and no restaurant, bar or room service. The rooms in the hotel would be large, measuring 14 by 28 feet; and they would be designed to accommodate families. In conclusion, he submitted an analysis of the public financial benefits which would accrue from construction of the proposed project, indicating that the total annual amount of taxes and fees accruing to City, State, and Federal governmental agencies would amount to \$2,201,101.

Commissioner Starbuck remarked that the applicant had developed an innovative design for the proposed project; but he indicated that he was concerned about automobile congestion in the Fisherman's Wharf area.

Mr. Rosso acknowledged that automobile congestion does exist in the area. However, he emphasized that the proposed project would result in the removal of a 142 space parking lot with access onto Leavenworth Street; and the removal of that parking lot will reduce the number of automobiles which can be accommodated in the area.

Commissioner Starbuck asked if he was correct in his understanding that the 649-space garage on the easterly portion of the block is under-utilized. Mr. Rosso replied in the affirmative. He further remarked that he believed that the traffic changes which would be effected by the proposed project would be unmeasurable. The project would probably increase the number of trips to the area by less than two per cent.

Commissioner Starbuck expressed the opinion that traffic in the Fisherman's Wharf area is "disastrous." Pedestrians in that area had been relegated to "third class citizenship"; and the Municipal Railway enjoys "second class citizenship" at the very best. Given those circumstances, he failed to understand why the private sector did not take the initiative to improve the traffic situation instead of proposing two projects which would generate more traffic. If the proposed project were to increase traffic in the area by two per cent, he felt that

that additional traffic could be considered to be significant. While he felt that the proposed project had been well designed, he, personally, could not condone the approval of another traffic generating facility in the Fisherman's Wharf area. He felt that it might be desirable to turn Jefferson Street into a pedestrian mall; but none of the merchants in the area had given any support to that concept. In conclusion; he stated that he could not, in good conscience, vote in favor of a project which would generate at least 125 automobile trips a day in the subject neighborhood.

Mr. Rosso stated that all of the parking spaces which exist in the area will be used in the future if they are not used at the present time; and he emphasized that the proposed project would reduce the total number of parking spaces available in the area by 142. With regard to the issue of converting Jefferson Street into a pedestrian mall, he remarked that the impetus for such a proposal would probably have to come from the City Planning Commission or the Department of Public Works since tourists and employees visiting the subject neighborhood would probably not have occasion to think of such a proposal.

Commissioner Starbuck stated that statistics have shown that pedestrian malls have been very successful around the country. When automobiles have been removed, sales have gone up. Consequently, he felt that serious consideration should be given to the development to a pedestrian mall on Jefferson Street. In any case, he felt that approval of the subject application would in no way improve the traffic congestion problem in the area; and he believed that the problem is serious enough to warrant consideration of major policy changes.

Mr. Rosso stated that the overall use of streets in the area are under the jurisdiction of the City; and he remarked that the owner of an individual parcel of property cannot solve the problems of an entire neighborhood. Furthermore, the Northern Waterfront area is not a homogenous community which can effectively represent itself on issues such as traffic congestion. He stated that the applicant had made every effort to design a project which would be compatible with the neighborhood; and he felt that individual projects should be considered on their own merits.

Commissioner Bierman asked Mr. Rosso if he had any information regarding occupancy rates for existing hotels in the Northern Waterfront area. Mr. Rosso replied that the applicant had obtained such information and had found that the occupancy rates have seasonal variations.

Commissioner Bierman then asked how the site coverage of the proposed project would compare with the site coverage of the Travelodge Motel. After Mr. Rosso had replied that the Travelodge Motel has no open space, Commissioner Bierman observed that the proposed project, as viewed from its perimeters, would appear to have no open space; and, in fact, the open space would be visible only to people who might happen to be in a helicopter.

Mr. Rosso then remarked that the open space in the interior of the project would be visible through a sizable opening fronting on one of the adjacent streets.

Mr. Steele stated that the Travelodge Motel covers approximately two-thirds of the block on which it is located.

Commissioner Bierman stated that she was concerned about the proposed project not so much because of the impact it would have on traffic congestion in the area, which could hardly be worse, but because the project would result in the loss of the last bit of open space in the area. She remarked that she had never thought that she would defend a parking lot as open space; but the parking lot which will be removed is nicely landscaped and has an attractive appearance. On the other hand, there may be a need for the proposed hotel; and the City certainly has a need for additional jobs. However, it did seem that a project including 125 hotel rooms and 85 retail businesses would generate a great deal of activity on property which has been one of the last "breathing spaces" in the Fisherman's Wharf area.

Mr. Rosso stated that the applicant was proposing to construct only 25% of the commercial space which would ordinarily be allowed on the site; and he again emphasized that a considerable amount of open space would be provided within the project. Furthermore, pedestrians tend to be selective about the sidewalks on which they choose to walk; and he felt that they would prefer to walk by the proposed project than by an open parking lot. He stated that an economic study had been made for the applicant which predicted a gross demand for 325 to 400 hotel rooms per year in the Fisherman's Wharf area; and the proposed facility would absorb only one-third of one year's demand.

Mr. Horst, consultant to the applicant, stated that he had surveyed the occupancy rates of other hotels and motels in the area in September, 1975, and had found that most of them had occupancy rates higher than 90%. Although he understood that the occupancy rates have decreased somewhat in the interim, the fact the number of hotel rooms in the Fisherman's Wharf area has increased from 300 rooms in 1970 to more than 1500 rooms at the present time indicates that a demand does exist for hotel rooms in the area.

Mr. Rosso stated that the applicant had been approached by several hotel organizations who had urged that he construct a hotel twice the size of the one being proposed on the subject site, complete with meeting rooms and other convention facilities. However, the applicant had determined that that sort of hotel is not the type which is needed in the Fisherman's Wharf area; and he had decided to construct a hotel which would cater to another segment of the market which presently is being served only by the Wharf Motel. In reply to a question raised by Commissioner Bierman, Mr. Rosso stated that the applicant proposed to charge \$33 a night for a single room in the proposed hotel; and he indicated that rates at other hotels in the area are considerably higher.

Commissioner Bierman if any alternate development proposals, such as housing, had been considered for the subject site. Mr. Rosso replied that Mr. Maisin, the applicant, has constructed a great deal of housing in San Francisco; however, given the high cost of the subject property, he did not feel that it would be appropriate for housing.

Commissioner Starbuck, noting that Mr. Maisin had been interested in construction of houses on Pier 45, asked how the situation in that case was different than in the present case. Mr. Rosso replied that the construction of housing on Pier 45 had been mandated by the Port Commission; and the housing which was being contemplated for that area was luxurious town house condominiums.

Commissioner Bierman remarked that the North Point development on Bay Street has been a successful housing development. Mr. Rosso replied that that housing development caters to single people who are gone all day and who only wants a place to sleep at night; and he felt that that project satisfies the demand for such housing.

Commissioner Bierman then observed that the proposed project would probably be more expensive to construct than housing. Mr. Rosso agreed but indicated that the retail spaces being proposed would have a potential for a greater return on the initial investment than would rental housing.

Commissioner Mellon asked if it would be possible for the applicant to construct housing on the site with adequate open space which could be sold for prices that people can afford to pay. Mr. Rosso replied in the negative, indicating that the land is too valuable for such development. He stated that the possibility of constructing housing had been considered because the Department of City Planning has been looking for housing opportunities in the Northern Waterfront area for quite sometime. However, if housing were to be constructed, garages would have to be provided at ground level; and garage doors would not enhance the pedestrian amenities of the area. Therefore, he felt that construction of housing on the site would not be desirable and that it would not be economically feasible.

Commissioner Bierman stated that she had heard that the new Sheraton Hotel has experienced a drop in its occupancy rate. Mr. Horst confirmed that he had heard a rumor to that effect.

Mr. Steele remarked that the Sheraton Hotel has only been in operation approximately six months.

Mr. Rosso stated that the Holiday Inn at Fisherman's Wharf enjoys a 95% occupancy every night, which is the highest rate for any Holiday Inn in the United States. The normal occupancy rate for a hotel is 75% on an "annualized" basis; and he remarked that all of the hotels presently existing in the Fisherman's Wharf area exceed that occupancy level.

Commissioner Starbuck observed that he did not feel that the Holiday Inn could be used as a fair example since that hotel benefits from a nation-wide reservation system; and he felt that the Commission should have data relating to motels in the area which are not operated by nation-wide chains.

Mr. Horst stated that the survey he had made approximately six months ago indicated that hotels in the Fisherman's Wharf area enjoy an "annualized" occupancy of approximately 87%.

Commissioner Rosenblatt inquired about the width of the passageway through the center of the proposed project. Mr. Rosso replied that the passageway would have a width of 25 feet at ground level.

Commissioner Rosenblatt then asked if the width of the passageway would be sufficient to prevent people using it from feeling that they were in a "well". Mr. Rosso replied that he felt that the width of the passageway would be adequate; and he remarked that the width would be similar to that of malls in shopping-centers.

Commissioner Rosenblatt, noting that the staff of the Department of City Planning had issued a negative declaration for the proposed project, asked if that negative declaration had covered the retail space as well the proposed hotel. Mr. Steele replied in the affirmative and indicated that economic and traffic analyses had been carried out before the negative declaration was issued.

Commissioner Rosenblatt asked if the building permit for the commercial building had already been approved. Mr. Steele replied in the affirmative.

Mr. Rosso remarked that additional commercial space could be constructed without conditional use approval by the Commission; however, he felt that the proposed hotel would generate less activity.

Commissioner Rosenblatt then asked Mr. Rosso to express his opinion regarding the possibility of turning Jefferson Street into a pedestrian mall. Mr. Rosso replied that malls have frequently improved business for retail stores; and he indicated that he personally felt that a mall in the Fisherman's Wharf area would be appropriate.

Commissioner Rosenblatt then suggested that the proposed project might be enhanced if a greater opening were provided onto Jefferson Street which may become a mall in the future.

Art Ginstler, an architect who had worked on the project, stated that the opening to the central portion of the project would be considerably wider than the opening to Ghirardelli Square. Furthermore, the open area in the center of the project constitutes 35% of the site; and he regarded it as a very large space.

Mr. Rosso stated that the two entrances to the central area of the project had been designed differently so that pedestrians could enjoy two separate experiences on passing the property. In order to be interesting, buildings must provide a variety of experiences and should not be monochromatic.

Commissioner Bierman asked if any plans exist for provision of additional open space in the Northern Waterfront area. Mr. Steele replied in the negative but indicated that the Northern Waterfront Plan did envision treating Jefferson Street as a pedestrian oriented street. He felt that the proposed project would enliven the area by closing a blank spot which presently exists between the Cannery and the heart of the Fisherman's Wharf area.

Joe Steinman spoke in support of the applicant's proposal. He stated that he had been looking for a site to open a restaurant in the Fisherman's Wharf area for a number of years and had been unsuccessful; but the applicant had promised to provide him with sufficient space to open a restaurant in the proposed project. As a minority businessman, he urged the Commission to approve the subject application.

Carl Smith, Secretary-Treasurer of the International Longshoremen's Workers Union and Vice President of the Building Association of that organization, indicated that his organization owns an entire block in the Northern Waterfront area. He stated that his organization had no opposition to the proposed project; and he stated that the project would provide jobs for members of craft unions. While he recognized that automobile congestion is a problem in the subject neighborhood, he emphasized that jobs are very essential at this time; and he urged that the application be approved by the Commission.

Ron Mathieson stated that the proposed project would eliminate 57 street artist selling spaces; and he felt that the Fisherman's Wharf area does not need another building with shops designed to "rip off" tourists. Furthermore, there is no need for additional hotel spaces in the area. The street artists are the most colorful tourist attraction in the area; and he felt that they should not be displaced. In conclusion, he stated that the applicant should either develop a better plan or else leave the property as it presently is.

Don Lorenzo, operator of a store at 233 Jefferson Street, expressed his support for the proposed project.

Another merchant from the area felt that the street artists, which resemble a "flea market", do not create a good image for tourists coming to the area. He also emphasized that the proposed project would provide additional jobs.

Mr. Steele recommended that the application be approved subject to five specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Subsequently, it was moved by Commissioner Rosenblatt and seconded by Commissioner Dearman that the application be approved subject to the conditions which had been recommended by Mr. Steele.

Commissioner Bierman stated that she would set aside her environmental concerns in the present instance and vote for the project since it would provide jobs. However, she stated that she did not feel that the design of the project looks toward the future.

Commissioner Starbuck stated that he intended to vote against the motion. In spite of considerable construction in San Francisco in recent years, San Francisco has the highest unemployment rate in the Bay Area and the highest rate of minority unemployment in the State of California; and, as a result, he was not convinced that new construction will overcome the City's unemployment problem. Furthermore, he felt that he could not vote for a project which would generate additional traffic in the Fisherman's Wharf area.

Commissioner Mellon stated that he intended to vote for approval of the project. The project will provide jobs during the construction process; and, more importantly, the project, upon completion, will offer permanent jobs, a large number of which may be filled by minority people. He felt that the project was well designed and that it would not desecrate the landscape of the area; and, even if the project would attract a few additional automobiles to the area, any use of the site would be bound to have the same effect. He believed that the proposed building would have aesthetic value; and he emphasized that it would provide a considerable amount of open space. In conclusion, he indicated that his conscience would not allow him to vote against the project.

President Lau stated that he agreed to a considerable extent with the remarks which had been made by Commissioner Mellon. He stated that he had never met the applicant; but he indicated that the applicant does have a good reputation. He believed that no minority people had been granted concessions on Fisherman's Wharf; and he felt that the proposed project would be desirable in that it would offer an opportunity for a minority person to open a restaurant in the area. He also remarked that most of the people who are employed in high-rise buildings in San Francisco come from other communities in the Bay Area; and he was hopeful that the proposed project would provide jobs for residents of San Francisco.

When the question was called, the Commission voted six to one to adopt the draft resolution as City Planning Resolution No. 7471 and to approve the application subject to the conditions which have been recommended by Mr. Steele. Commissioners Bierman, Dearman, Finn, Lau, Mellon, and Rosenblatt voted "aye"; Commissioner Starbuck voted "no".

At 6:05 p.m. President Lau announced a 5 minute recess. The Commission reconvened at 6:10 p.m. and proceeded with hearing of the remainder of the agenda.

Commissioner Finn was absent from the meeting room for the remainder of the meeting; and Commissioner Mellon was temporarily absent from the meeting room.

DR76.3 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATIONS NOS.
454352 AND 454353 FOR TWO SINGLE-FAMILY HOUSES AT 76 AND 71
BELGRAVE AVENUE.
(UNDER ADVISEMENT from City Planning Commission Meeting of
March 18, 1976.)

President Lau announced that the applicant, as well as residents of the neighborhood, had requested that this matter be postponed for a week. After discussion, it was moved by Commissioner Starbuck, seconded by Commissioner Bierman, and carried unanimously that consideration of this matter be postponed until the meeting of April 8, 1976.

CU75.60 - 1990 CALIFORNIA STREET, NORTHEAST CORNER OF OCTAVIA STREET.
REQUEST FOR AUTHORIZATION TO USE THE EXISTING 12-UNIT BUILDING
AS A PRIVATE DINING CLUB; IN AN R-3.5 DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); referred to land use and zoning maps to describe the subject property which has a

frontage of 68.75 feet along California Street and a depth of 137.5 feet along Octavia Street for a total area of 9,380 square feet. The property is occupied by a vacant three-story, 12-unit, rooming house with one off-street parking space known as the Atherton House which was designated as a Landmark on February 19, 1975. The applicant was requesting permission to use the existing building as a private gourmet dining club with 7 to 10 dining rooms and membership limited to patrons of the arts. Valet parking would be provided off-site. Recitals would be held in the ballroom. Mr. Steele stated that a private club or lodge building, excluding those in which the chief activity is one customarily carried on as a gainful business, is a conditional use in R-3 and less restrictive residential districts. He stated that he had previously issued a written interpretation, concurred in by the City Planning Commission, determining that the chief activity of the proposed use was one which was customarily carried on as a gainful business. However, the applicant had appealed that determination to the Board of Permit Appeals; and the Board of Permit Appeals had overruled his interpretation and had directed that the matter be placed before the Commission for its determination. He stated that a negative declaration had been issued for the project on March 12, 1976.

At this point in the proceedings, Commissioner Mellon returned to the meeting room and resumed his seat at the Commission table.

Donald D. Steele, public relations consultant for the applicant, stated that he had been approached several weeks ago by several prominent people representing performing arts organizations in the Bay Area with an interest in establishing Montage, Ltd. in the subject building. He stated that he was convinced that the purpose of the club had been completely misrepresented by the applicant's previous consultant. In fact, the club would be a non-profit organization with a membership selected from local patrons of the arts; and to refer to it as a "supper-club" would be as improper as applying the same term to the Bohemian Club or other comparable organizations.

Commissioner Starbuck asked why the applicant had selected the subject building to house the proposed organization. Mr. Steele replied that no comparable site had been found.

James W. Butterworth, President of Montage, Ltd., confirmed that the purpose of the club would be to cater to patrons of the arts. He stated that valet parking would be provided to take automobiles owned by guests to garages and vacant lots in the area; and, as a result, he believed that the proposed use would create no parking problems for the neighborhood.

Commissioner Starbuck asked if the bulk of the organization's income would come from membership fees or from fees paid for services rendered. Mr. Butterworth replied that membership fees would range from \$200 per year to \$1,000 for a life membership; and he indicated that the proceeds from the membership fees would be used to support the arts.

Commissioner Mellon inquired about the maximum anticipated membership of the organization. After Mr. Butterworth had replied that the membership would be limited to 1700 people, Commissioner Mellon inquired about the capacity of the dining

rooms which would be installed in the subject building. Mr. Butterworth stated that the dining rooms would have a total capacity of 125 people and would occupy only 17% of the floor space in the building.

Commissioner Rosenblatt asked if the applicant had prepared a brochure which would be used in soliciting memberships for the organization. Mr. Butterworth replied that a prospectus had been prepared in draft form; and he submitted a copy of it to the Commission.

Commissioner Rosenblatt then asked how many members would be needed to enable the organization to break even. Mr. Butterworth replied that the organization could probably break even with 1,000 members assuming that approximately 55 members would use the facilities each day.

Commissioner Rosenblatt then asked what would happen if the Commission were to grant the conditional use authorization and if Montage, Ltd., subsequently failed to be successful. The Zoning Administrator replied that the authorization would apply only to the present applicant; and anyone wishing to conduct a similar operation on the property would have to seek a new conditional use authorization from the Commission.

A member of the audience inquired about the names of the board of directors of Montage, Ltd. Mr. Butterworth replied that the names of the directors were included in the draft brochure he had given to the Commission.

Eric Anderson, the general contractor in charge of renovating the subject building, stated that he specializes in the rehabilitation of Victorian houses; and he advised the Commission that the applicant's house has an extremely beautiful interior. Certain aspects of the building have been neglected; but he assured the Commission that the restoration work to be done on the building would be of high quality.

Allan Chase, owner of an eleven-unit apartment building facing Lafayette Square, stated that his apartment building has only one off-street parking space; and he indicated that his building is typical of others in the area. He stated that he had telephoned Mr. Butterworth and had been advised that he proposed to operate the subject building as a private club with 1500 to 1700 members. The facilities would be open from Tuesday through Sunday between the hours of 6:00 p.m. and 1:00 a.m. Food and beverages would be sold and chamber concerts would be held in the building. The main dining room would seat between 100 and 125 people; and an additional 74 people could be served in other rooms in the building. It was anticipated that members would use the facilities prior to and following opera and symphony events. In return, he had stated that he was primarily concerned about the problem of parking. The applicant had indicated that a valet parking service would be provided and that automobiles would be parked on other properties in the neighborhood. However, based on his own experience as a parking lot attendant, he felt that individuals parking the cars would be inclined to hurry in order to maximize their tips; and he felt that it would be very disturbing if the automobiles were driven quickly through the surrounding residential neighborhood. While he favored the concept of expanding the City's cultural facilities,

he felt that the proposed use of the subject site, with only one off-street parking space, would be inappropriate in a residential neighborhood. He remarked that he drives a foreign car and does not trust the handling of parking attendants; furthermore, he indicated that he is too "cheap" to give people tips. Therefore, he usually parks his car himself. He believed that other people share the same idiosyncracies and, as a result, he anticipated that many of the visitors to the proposed club would park their own automobiles on streets in the neighborhood. On the other hand, if all of the visitors to the club were to use the valet parking service, California Street would be constantly lined with cars. Under the circumstances, he was opposed to the applicant's proposal.

Donald Steele stated that he belongs to clubs which have a membership of approximately 1700 people; and he emphasized that all of the members do not use the club's facilities at the same time.

Robert Strand, owner of property at 1946-3 California Street, stated that he felt that the proposed club sounded like a good idea; but he questioned whether it would be appropriate for the subject property given the nature of zoning in the area. He felt that Mr. Chase had made an excellent presentation regarding the parking issue; but he felt that the Commission should also be aware of the fact that there has been a high incidence of traffic accidents on California Street in the neighborhood. He also remarked that the blockage of a single driveway by an illegally parked car can inconvenience as many as 15 or 20 tenants. A large apartment building behind the subject property is occupied by senior citizens; and the previous tenants of the Atherton House created severe noise problems. He noted that the club would be open until 1:00 a.m.; and he feared that the proposed use would also create noise problems which would be disturbing to older people residing in the area. He stated that he was opposed to having a commercial use in the subject building even though the use would be operated by a non-profit organization; and he felt that the applicant should locate another site for the facility. He advised the Commission that he belongs to the University Club; and he emphasized that that club is located in a commercial area which has adequate parking. While the applicant had proposed a valet service for guests of the club, he questioned the security of some of the sites which had been selected for off-street parking; and he doubted that the valet parking program would be successful. If a 12-unit apartment building were to be proposed for the neighborhood, 12 off-street parking spaces would have to be provided; and yet, the proposed club would effectively be providing only one off-street parking space. Under the circumstances, he expected that the proposed use would significantly change the character of the neighborhood. In conclusion, he stated that he represented approximately 150 individuals living in the area who were concerned about the applicant's proposal.

Ms. Dienstein, an attorney, stated that non-profit corporations are rated in different categories by the Internal Revenue Service; and she felt that it would be interesting to know if the applicant had applied for a rating and, if so, what rating had been assigned. She stated that the owner of property at 1800 Gough Street objected to the subject application because the proposed use would not be residential in character.

Ralph Coffmann, a member of the Board of Directors of the Pacific Heights Association, remarked on the fact that the staff of the Department of City Planning had issued a negative declaration for the subject application; and he stated that it was his impression that the Department "leans over backwards" to give negative declarations wherever possible. He appreciated the fact that the Department of City Planning has a limited budget which prevents it from sending notices of negative declarations to concerned neighborhood organizations; but he hoped that the volunteer program could be arranged to overcome that problem possibly through the Coalition for San Francisco Neighborhoods. He stated that his organization has one member who has accepted responsibility for checking negative declarations which are issued by the Department of City Planning; but she had missed the negative declaration relating to the subject property. He advised the Commission that the Pacific Heights Association had worked hard to preserve the Atherton House by having the height limit on the property changed from 80 feet to 40 feet and by encouraging the Board of Supervisors to overrule the City Planning Commission and to zone the property R-3.5 rather than R-4. In addition, his association had been successful in having the building designated as a Landmark. He remarked that many of the members of his organization are patrons of the opera and the symphony; and they were not opposed to Montage, Ltd. as an organization. But they were opposed to the proposed use of the subject property. If the valet parking service were to utilize spaces in the garage at Presbyterian Hospital, a neighborhood which is already overburdened with traffic congestion would have to absorb additional traffic; but he felt that it was more likely that members of the club would use chauffeured limousines which would be parked throughout the neighborhood. He felt that Montage should look for an alternate site where its impact would not be so greatly felt; and he suggested that the Century Club may be for sale. When Mr. Butterworth had first appeared before the Commission, he had talked mostly about the dining aspect of the club; but he was now describing the club as a place for recitals. He believed that the change of emphasis had occurred because of the wording of the City Planning Code which provides that commercial activities cannot be authorized as a conditional use in a residential district. If post-theatre dinners were to be served at the club, guests would be eating and drinking on the premises until the early hours of the morning; and such activities would be inconsistent with the character of the surrounding residential area. Because of the zoning of the subject property, he believed that it would not be economically feasible for anyone to demolish the Atherton House and to replace it with another structure; and, since he has concerned that the building is secure, he urged the Commission to disapprove the subject conditional use application.

Peter Jacobson, owner of property located at 1960 California Street, stated that he was not opposed to the concept of the club itself; but he remarked that most of the city's clubs are located in the downtown area. He characterized the subject neighborhood as a very nice residential area; and he felt that approval of one club facility would ultimately open the door for similar proposals in the future. While the applicant was claiming that Montage would be a charitable organization, he felt that the proposed club would actually be a business differing from an ordinary supper club only insofar as it would operate on a tax-free basis. He emphasized that parking in the subject neighborhood is extremely difficult except for very small cars because of the frequency of curb cuts; and he urged that the subject application be disapproved by the Commission.

President Lau asked for a show of hands of the individuals present in the audience in opposition to the subject application. Approximately eleven people responded.

Craig Beckstead, owner of property at 2026 California Street, stated that he had received a letter from Spencer Andrew, present owner of the subject property, indicating that he had acquired the property to rehabilitate it but had gone as far as he could. He believed that Mr. Butterworth had the ability to turn the building into a showplace; but if the conditional use authorization were not granted, he intended to place the property on the market. Mr. Beckstead stated that he was concerned about what would happen to the landmark building which occupies the subject site if the property were to be sold. He remarked that the urban design plan contains many references which could be used in support of allowing the Atherton House to be used as a private club or lodge; and he felt that the Commission, in dealing with a landmark building, should take factors other than zoning into consideration. While some individuals felt that use of the Atherton House as a 12-unit apartment building would be a viable undertaking, he questioned that point of view; but he did feel that the proposed use as a private club or lodge would be viable. While individuals who spoke in opposition to the proposal had taken the position that the use would damage the neighborhood, he preferred to take a more positive approach; and he suggested that all on-street parking should be eliminated in the area since those spaces are used mostly by commuters in any case; and he felt the California cable car line should be extended. He did not feel that the proposed club would be a disruptive use in the neighborhood; and he believed that the individuals who had spoken in opposition to the proposal on the basis of parking should realize that they are living in the year 1976.

Commissioner Rosenblatt, noting that a member of the audience had inquired about the names of the members of the Board of Directors of Montage, stated that the articles of incorporation which had been submitted to the Commission by Mr. Butterworth indicated that the board of directors was composed of three individuals with the names of George Thomas Wofford III and Henrietta Frazier Bedau of Olympic Valley, California, and James Walter Butterworth of San Francisco. The stated purposes of the corporation were as follows: "The specific and primary purposes of Montage, Ltd. are to operate a social and dinner club in order to promote good fellowship and social activities among its members and their guests in the opera, music, drama, dance and other artistic professions."

Anne Bloomfield, President of the Pacific Heights Neighborhood Council, submitted a letter which had been written by Bradford Walker, 1913 Sacramento Street, in opposition to the subject application. Mrs. Bloomfield stated that she regarded the applicant's proposal as a commercial use; and she felt that commercial uses should be located in commercial districts. She remarked that the Landmarks Preservation Advisory Board, in recommending designation of the building as a landmark, had not taken any position regarding an appropriate use for the building; but she did not feel that the proposed use would be compatible with the adjacent residential neighborhood. Furthermore, she believed that at least one of the vacant lots which the applicant proposed to use for off-street parking is located in a residential district; and, if so, a conditional use authorization would be required for that property, also. She stated that streets in the neighborhood carry a tre-

mendous amount of traffic during day-time hours at the present time. Webster Street, for instance, experiences a day-time traffic flow of between 5,000 and 6,000 cars; but the street is relatively quiet at night. The proposed use would bring night-time traffic to the area; and it would have a detrimental effect on the residential character of the neighborhood. She urged that the application be disapproved.

The Secretary read a statement which had been prepared by Mrs. Bland Platt, President of the Landmarks Preservation Advisory Board, as follows:

"Although the Atherton House is an officially designated landmark of the City and County of San Francisco, it seems inappropriate for the Landmarks Board to comment on the Conditional Use application before you today in that members of the Board, with the exception of the President, are unaware of the proposal and also because the matter is primarily one of planning and zoning.

"However, should you determine to approve the application, I respectfully request that you instruct the applicant of the necessity of working closely with the Landmarks Board with regard to exterior changes to the building and/or grounds which may be visible from a public thoroughfare.

"Although the Landmarks Board does not presently have the ability to protect the interiors of privately owned structures, we would appreciate your emphasizing to the applicant the importance of the various interior features in the hope that these would be retained and restored as part of the overall project.

"Thank you for your assistance in this matter."

The zoning Administrator stated that he was still of the opinion that the chief activity of the proposed club was one which could be considered as a gainful business and that the application was not properly before the Commission for consideration; however, in view of the action which had been taken by the Board of Permit Appeals, the Commission would have to approve or disapprove the use. He recommended that the subject application be disapproved. He remarked that the Atherton House provides only one off-street parking space; and he noted that the proposed use would generate substantial member, guest and employee parking congestion in a neighborhood already suffering from parking congestion. He also noted that the revised Residence Element of the Comprehensive Plan discourages the non-residential use of housing in residential zoning districts where the proposed use is not compatible with the surrounding environment. For those reasons, he recommended the adoption of a draft resolution of disapproval which had been prepared for consideration by the Commission.

It was moved by Commissioner Rosenblatt and seconded by Commissioner Bierman that the draft resolution be adopted and that the subject application be disapproved.

Commissioner Starbuck stated that he felt compelled by Section 202 (d) of the City Planning Code to vote for disapproval of the subject application since that

section of the Code excludes private clubs or lodge buildings from being conditional uses if the chief activity of the club or lodge is one customarily carried on as a gainful business.

Commissioner Mellon stated that he is concerned about the preservation of landmark buildings; but he felt that the use proposed would have too great a negative impact on the neighborhood. Therefore, he intended to vote against the application.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Resolution No. 7472 and to disapprove the subject application.

CU76.6 - PIER 9, EAST SIDE OF THE EMBARCADERO OPPOSITE THE END OF VALLEJO STREET.
REQUEST FOR AUTHORIZATION FOR NON-MARITIME BUSINESS OFFICES IN THE EXISTING PIER SHED; IN NORTHERN WATERFRONT SPECIAL USE DISTRICT NO. 1 AND IN AN M-1 DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property. Pier 9 contains 122,800 square feet of which 44,800 square feet is proposed for non-maritime small business offices, storage and parking. The transit shed on the pier is presently occupied by the Crowley Maritime Company and is used occasionally for cargo handling. Murphy Tugboat Company and various other maritime offices, including a pilots association and a law firm, are in the bulkhead building and shall remain. Pier 9 is under the jurisdiction of the San Francisco Port Commission. The proposal was to move the Crowley Maritime Company, a tow-boat and a water-taxi operation, together with several non-maritime businesses from Pier 3 to Pier 9. The present cargo handling in Pier 9 would be eliminated. The entire perimeter of Pier 9 would be used by Crowley tow-boats. The transit shed on Pier 3 is to be removed during 1977 because of fire hazard. The Crowley employees would use 120 parking spaces on Pier 9 and 20 spaces would be for the non-maritime tenants. Under the provisions of the City Planning Code, non-maritime uses in Northern Waterfront Waterfront Special Use District No. 1 must be authorized as conditional uses. The off-street parking standard for business offices is one for each 500 square feet of occupied floor area and, for service space, one for each 1,000 square feet of occupied floor area; however, off-street parking requirements may be modified by the City Planning Commission for conditional uses in Special Use District No. 1. Mr. Steele stated that the Bay Conservation and Development Commission had approved use of the Pier by the Crowley Maritime Company; but that agency could not approve the non-maritime uses until action has been taken on the conditional use application by the Commission.

Commissioner Rosenblatt asked if the applicants proposed to undertake new construction on Pier 9. Mr. Steele replied that it was his understanding that some refurbishing work would be done.

President Lau asked if anyone was present in the audience from the staff of the Port Commission and received a negative response.

At this point in the proceedings, Commissioner Starbuck absented himself from the meeting room for the remainder of the meeting. Commissioner Rosenblatt, noting that no one was present in the meeting room to address the Commission on this matter, asked Mr. Steele for his recommendation.

Mr. Steele recommended that the application be approved subject to four specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Rosenblatt remarked that preparation of a "total design plan" for the area in the vicinity of the Ferry Building could affect the uses on Pier 9; and, under the circumstances, he felt that a time limit of from 3 to 5 years should be placed on the conditional use authorization.

Mr. Steele recommended that a three year time limit be established with the possibility of two one-year extensions for a total period of five years.

Commissioner Rosenblatt then asked if the time limit would pertain to the offices of the Crowley Maritime Company. Mr. Steele replied in the negative, indicating that the Commission has no jurisdiction over maritime uses of the waterfront.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the draft resolution, as amended to provide for a time limitation on the conditional use authorization, be adopted as City Planning Commission Resolution No. 7473 and that the application be approved subject to the conditions which had been recommended by Mr. Steele, as amended.

CU76.7 - 1251 SECOND AVENUE, SOUTHWEST CORNER OF HUGO STREET.

REQUEST FOR AUTHORIZATION FOR USE OF THE EXISTING BUILDING AS
ADMINISTRATIVE OFFICES FOR PROJECTS OF THE AMERICAN FRIENDS
SERVICE COMMITTEE, A PHILANTHROPIC OR ELEMOSYNARY INSTITUTIONS;
IN AN R-2 DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has frontages of 35 feet on Second Avenue and 60.3 feet on Hugo Street for a total area of 2,111 square feet. The property is zoned R-2 and is subject to a 40-X height and bulk limit. The property is occupied by a three-story frame dwelling which has been improved for use as a half-way house. It is used as a residence for several persons, with a one-room office occupied by the American Friends Service Committee Central Committee for Conscientious Objectors and a two-room office occupied by an American Friends Service Committee Criminal Justice Project. No off-street parking spaces are provided on the property. The proposal was to convert five rooms in the building into offices for social welfare projects concerned with high school student, womens' issues, juvenile delinquency advocates and criminal justice projects. The one-room conscientious objector project office, two rooms for transient and caretaker residential use, and the two-room criminal justice offices are to remain unchanged. No off-street parking was being proposed.

Jan Marinissen, representing the American Friends Service Committee, stated that he had discussed the proposal with representatives of the Sunset Parkside Education and Action Committee (SPEAK) and the Inner Sunset Action Committee (ISAC); and no opposition had been expressed to the application except by a few neighbors who felt that the proposed use would place too much of a parking burden on the neighborhood. He emphasized that several individuals would continue to live in the building; and he hoped that the subject application would be approved.

Commissioner Dearman asked how many people could be expected to visit the proposed facility. Mr. Marinissen replied that his organization had previously had a large number of visitors; but the current trend is to send representatives of the agency to areas where problems exist.

John Westermarck, owner of property at 1271 Second Avenue, stated that he had no objection to the American Friends Service Committee and its work; but he remarked that the subject neighborhood is saturated with automobiles. He noted that the University of California Medical Center has made an effort to establish offices in the neighborhood and has been turned down; and he felt that approval of the subject conditional use application would encourage the medical center to move into the area in the future. He believed that the residential character of the neighborhood should be preserved.

Another representative of the American Friends Service Committee stated that people working in the subject building would also live there; and she believed that occupancy of the building by 14 residents could generate a great deal more pedestrian and automobile traffic than the proposed use.

No one else was present in the audience to address the Commission on this matter.

President Lau asked if most of the projects which would be handled in the proposed facility are related to the subject neighborhood. Mr. Marinissen replied that some of the projects would be related to the subject neighborhood. He indicated that the American Friends Service Committee had been ordered to decentralize its activities; and they are now trying to deal with problems at the neighborhood level.

Mr. Steele recommended that the application be disapproved. He stated that the existing residential-type building on the subject property is similar to other buildings in the neighborhood; and he felt that the proposed office use would not be in character with the surrounding residential neighborhood. Furthermore, the proposed non-residential use of the property would reduce the housing stock of the City contrary to the policies of the Revised Residence Element of the Comprehensive Plan. Finally, he stated that the applicant had not shown that the proposed use is necessary for, and compatible with, the community and had not indicated that adequate office space is unavailable in commercial districts.

Commissioner Bierman stated that she felt that the use should be approved for a limited period of time. While it is probably not essential that such a use be

located in a residential building, a residential building does tend to lend itself to the type of activities in which the American Friends Service Committee is engaged. Furthermore, she noted that representatives of active neighborhood organizations in the area were not present to speak in opposition to the application. While she would not be willing to endorse the proposal for reclassification of the property, she felt that the granting of a conditional use authorization for a limited period of time would not be unreasonable under the circumstances.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the staff be requested to prepare a draft resolution for approval of the conditional use application subject to specific conditions, including a five year time limitation, for consideration by the Commission at its meeting on April 8, 1976.

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

— SAN FRANCISCO
— CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, April 8, 1976.

The City Planning Commission met pursuant to notice on Thursday, April 8, 1976, at 2:15 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Thomas J. Mellon, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; George A. Williams, Assistant Director-Plans and Programs; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Peter Svirsky, Planner V (Zoning); Charles Gill, City Planning Coordinator; Robert Meyers, City Coordinator; Janis Birkeland, City Planning Coordinator; Robert Feldman, Planner II; Ralph Gigliello, Planner II; Kit Hermann, Planner II; Edward Green, Planner I; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meetings of March 1 and 30, 1976, be approved as submitted and that the minutes of the meeting of March 11, 1976, be approved with corrections.

CURRENT MATTERS

Edward I. Murphy, Acting Director of Planning, reported that next Thursday's meeting of the Neighborhood Plans Committee will be cancelled.

Mr. Murphy informed the Commission that the Finance Committee of the Board of Supervisors will consider the Department of City Planning's budget for fiscal year 1976-77 on Friday, April 16, at 3:00 p.m. in Room 2C2, City Hall.

Mr. Murphy announced that the Mayor's Office has requested that the services of the Department of City Planning be made available to the Mayor's Select Committee on Yerba Buena Center.

Mr. Murphy advised the Commission that an attorney representing the owners of property at 316-18 Laurel Street had requested reconsideration of the Commission's disapproval of a building permit application for use of the building on that property as psychiatrists' offices. The City Attorney is determining whether the granting of the request for reconsideration would be legal.

Commissioner Starbuck stated that he and Commissioner Rosenblatt had met with members of the staff to discuss the Residential Zoning Study; and he suggested that other members of the Commission should arrange for similar briefings.

Commissioner Starbuck requested that the staff include in its next mailing to neighborhood organizations an explanation of the difference between conditional use hearings and discretionary review hearings. Commissioner Rosenblatt requested that the mailing also include an explanation of the environmental evaluation process.

Commissioner Starbuck inquired about the status of a 45-unit condominium apartment building proposed at California and Helen Streets. R. Spencer Steele, Assistant Director (Zoning Administrator) replied that an Environmental Impact Report is being prepared for the project.

CONSIDERATION OF ADOPTION OF POLICY STATEMENT REGARDING PROPOSITION 15
ON THE JUNE 1976 STATEWIDE BALLOT. (THE NUCLEAR POWER PLANTS SAFEGUARD
INITIATIVE.)

(Under Advisement from the Meeting of April 1, 1976)

The Secretary stated that this matter had been taken under advisement from the meeting of April 1, 1976, so that individual members of the Commission could review the language of the draft resolution.

President Lau asked if any members of the audience wished to address the Commission on this matter and received a negative response.

It was then moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried five to one that the draft resolution which had been considered by the Commission during the meeting of April 1 be adopted as City Planning Commission Resolution No. 7474. Commissioners Bierman, Dearman, Lau, Rosenblatt & Starbuck voted "aye". Commissioner Finn voted "no". The resolution contained the following resolves:

"THEREFORE BE IT RESOLVED, That the City Planning Commission supports the intent of the Nuclear Safeguard Initiative;

"AND BE IT FURTHER RESOLVED, That the City Planning Commission urges the San Francisco Board of Supervisors to conduct public hearings on this matter."

Later in the meeting, Dwight Jocke, representing the sponsors of the Initiative, asked if the fact that the Commission had adopted the resolution meant that the Commission could be listed as a sponsor of the Initiative. Commissioner Starbuck, who had drafted the resolution, stated that it was not his intention to put the Commission on record with an unqualified endorsement of the Initiative; and he felt that any reference to the Commission's position regarding the Initiative should be limited to the specific language contained in the resolution.

CU76.7 - 1252 SECOND AVENUE, SOUTH WEST CORNER OF HUGO STREET. CONSIDERATION OF DRAFT RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A REQUEST FOR AUTHORIZATION FOR USE OF THE EXISTING BUILDING AS ADMINISTRATIVE OFFICES FOR PROJECTS OF THE AMERICAN FRIENDS SERVICE COMMITTEE, A PHILANTHROPIC OR ELEEMOSYNARY INSTITUTION; IN AN R-2 DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); distributed copies of a draft resolution of approval which had been prepared by the staff of the Department of City Planning. After summarizing the three conditions which were included in the draft resolution, he recommended that the draft resolution be adopted.

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7475 and that application CU76.7 be approved subject to the conditions contained in the draft resolution.

DR76.3 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATIONS NOS. 454352 AND 454353 FOR TWO SINGLE-FAMILY HOUSES AT 76 AND 71 BELGRAVE AVENUE.

(Postponed from the meeting of April 1, 1976.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), noted that this matter had been taken under advisement from the meeting of March 18, 1976, at which time the Commission had requested the applicants to provide a cancelled check in the amount of \$1,000 which would indicate that Ms. Funk had actually made a down-payment on purchase of one of the lots from Mr. Hale. If the Commission were to determine that a valid sale had in fact taken place, it would then be in a position to approve the building permit applications, to disapprove them, or to request the applicants to make modifications in the applications.

The Secretary read the following letter which had been addressed to Mr. Hale and Ms. Funk by Denis T. Rice, an attorney:

"You have asked for our opinion as to legal and beneficial ownership of that certain property known as Lot 59, Block 2688, commonly known as 65 Belgrave, San Francisco. In connection with the transaction, we have reviewed various documents, including the Agreement of Sale and Deposit Receipt, the Grant Deed and the recordation data.

"We understand from the foregoing review that the Grant Deed conveying the property from David Hale to Joan Funk was recorded on October 7, 1975, pursuant to a Deposit Receipt dated October 1, 1975. The price is of the so-called 'variable' type, i.e., the aggregate price would be \$15,000 or \$10,000 depending upon a condition which will not be determinable until December 31, 1976. We further understand that, although the Deposit Receipt recites an initial deposit of \$1,000,

that the parties satisfied that portion of the price by conveyance of certain electronic and high fidelity equipment valued in excess of the stated amount.

"We have the following views as to specific questions raised by you:

- "1. The recitation in the Deposit Receipt as to the initial \$1,000 deposit has no legal significance and no effect on the validity of the sale. The only instrument that affects the title is the Deed.
- "2. Ms. Funk is the legal and beneficial owner of the property and has full power to retain the lot. Should she default on payment of the purchase price, Mr. Hale's remedy would be to bring appropriate action to foreclose on the security. However, unless and until he obtained foreclosure, he would have no rights in the property.
- "3. In connection with the first point noted above, the acceptance by the seller of other considerations, i.e., electronic and high fidelity equipment, in satisfaction of the initial deposit is within the purview of the Agreement of Sale and does not in any way impair Ms. Funk's title.

"We are also furnishing a copy of this opinion to the San Francisco Planning Department."

Commissioner Bierman remarked that she had previously asked Ms. Funk if she would be willing to bring the cancelled \$1,000 check to the Commission, and Ms. Funk had replied that she would try to find the check. The agreement of sale and the deposit receipt had indicated that a payment in the amount of \$1,000 had been made by check; and Ms. Funk had allowed the Commission to believe that the check existed. She remarked that it was very unpleasant to receive conflicting stories from the applicants on different dates.

David Hale, one of the applicants, stated that Ms. Funk had intended to give him the check for \$1,000 when the agreement of sale was prepared. However, he had expressed an interest in a stereo set which she owned and no longer needed; and she had given him the stereo set instead of a check.

Commissioner Dearman remarked that Ms. Funk should have told the Commission at its last meeting that there was no check so that the matter would not have had to be taken under advisement.

Mr. Hale stated that he and Ms. Funk had been somewhat wary about the non-existence of the check; and they had wanted to consult with an attorney before acknowledging that there was no check.

Commissioner Bierman moved that the Commission take the position that the two parcels of property are still owned by Mr. Hale because of the lack of evidence of a legitimate sale to Ms. Funk.

Mr. Steele stated that adoption of the motion which had been made by Commissioner Bierman would be an indication to him that the development proposal presently under consideration is not substantially different from the proposal which was disapproved by the Commission on June 19, 1975; and, under those circumstances, the subject building permit applications could not be considered until one year has elapsed from the time of the previous disapproval.

Denis Rice, attorney for the applicants, stated that he felt that it would be a grievous mistake for the Commission to imply that Ms. Funk is not the owner of one of the subject lots. He stated that it is clear that Ms. Funk is the legal owner of one of the lots; and, if the Commission were to disapprove the subject applications, he felt that the disapproval should be taken on a more substantial basis.

Commissioner Starbuck, noting that this was the first time that Mr. Rice had appeared before the Commission on behalf of the applicant, remarked that the Commission had previously taken note of the fact that there were no tax stamps attached to the agreement of sale; and it was apparent that the transaction had not gone through escrow. Furthermore, the Commission had previously asked Mr. Hale if he still had the deposit check which had been given to him by Ms. Funk; and he had replied that the check was already spent. The Commission had now learned that the check had never existed; and he observed that it would be difficult to "spend" a hi-fi set. Under the circumstances, the alleged sale of one of the lots more nearly resembled a "straw transaction" than a valid conveyance of property. He remarked that the Municipal Code provides that applications which have been disapproved may not be considered for one year; and, based on the testimony which the Commission had heard, he felt that a case could be made that the present development proposal was not substantially different from that which had been disapproved by the Commission last year.

Commissioner Bierman remarked that Ms. Funk had failed to tell truth; and there would be no way for her to prove that she had actually given hi-fi equipment to Mr. Hale. Those circumstances tended to cast a cloud over the matter.

Mr. Rice stated that Ms. Funk is still the legal owner of one of the parcels of property even if one were to assume she had given Mr. Hale nothing of value; and if she were to die tomorrow, the lot would pass to her estate.

Albert Meakin, 100 Belgrave Avenue, felt that the alleged sale of one the lots was rather absurd. Even if a deposit had been made in the amount of \$1000, such a deposit would have represented only two-thirds of 1% of the cash value of the building being proposed. In fact, he estimated that the carrying cost for the

home being proposed would exceed \$1100 a month, an amount in excess of the deposit. He believed that the "accommodation fee" referred to on the agreement of sale merely represented an attempt to give the appearance of reality to the transaction.

Commissioner Bierman withdrew the motion which she had made previously and moved that the applications be disapproved. She remarked that the proposed houses would be set further back on their lots than other buildings in the area; and she felt that they would have an adverse impact on the rear yards of adjacent properties. Furthermore, she believed that the proposal for construction of two single-family dwellings on 25 foot lots would be incompatible with the existing pattern of development along the street and would have a harmful effect on the character of the neighborhood.

The motion was seconded by Commissioner Dearman.

Commissioner Finn asked if the applicants would have to wait for one year before filing another application if the subject applications were disapproved by the Commission. Mr. Steele replied that similar applications could not be considered by the Commission for one year; however, the Commission's action disapproving the applications could be appealed to the Board of Permit Appeals. In response to a further question placed by Commissioner Finn, Mr. Steele stated that the applications could be considered by the Commission in June if the Commission were to refuse to take action on them at the present time.

Commissioner Bierman asked if disapproval of the subject applications would preclude Mr. Hale from filing an application for construction of one single-family house on the two lots within the next year. Mr. Steele replied in the negative.

Commissioner Rosenblatt asked if one of the applicants could return to the Commission within one year with a proposal to construct a single-family house on a 25 foot lot if the subject applications were to be disapproved. Mr. Steele replied that such an application might be considered to be substantially different from the applications presently in front of the Commission; however, he expected that residents of the neighborhood would oppose such an application.

Paul Rotter, 190 Belgrave Avenue, stated that all of the terms of the agreement of sale had not been met; and, as a result, he did not believe that the sale was valid. Consequently, the project being proposed was essentially the same as the project which had been disapproved by the Commission last year. He felt that approval of the subject applications would have the effect of rezoning the properties since the result of such an approval would be to allow construction of single-family houses on 25 foot wide lots; and the establishment of such a precedent would condemn the neighborhood to single-family row house construction in the future. While the proposed buildings might technically be described as detached houses, they would have no visual separation; and he felt that they would be inappropriate in the subject neighborhood. In conclusion, he emphasized that one of the purposes of the Residential Zoning Study is to strike a balance between development and conservation; and he urged the Commission to take that fact into consideration in deciding whether to approve or disapprove the subject applications.

Mr. Steele remarked that residents of the neighborhood could protect themselves from future row house construction by resubdividing their properties to eliminate the present 25 foot-wide lot pattern.

Mr. Hale stated that residents of the neighborhood had previously opposed the construction of two single-family houses which touch; and so he had redesigned the buildings so that they would not touch. He stated that other buildings exist on the street which have smaller separations than the separation which he was proposing. He stated that he had tried to do a good job in designing the proposed buildings; and he emphasized that 20% of the lots would remain undeveloped. He remarked that the proposed buildings would be only two stories high; and, given the topography of the area, he felt that they would have a very minimal shadow effect on adjacent yards.

When the question was called, the Commission voted unanimously to adopt City Planning Commission Resolution No. 7476 and to disapprove the subject applications.

Commissioner Finn urged the owners of other 25 foot-wide lots on Belgrave Avenue to have them resubdivided into single 50 foot-wide lots.

DR76.7 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 454-135
FOR THE ADDITION OF TWO NEW DRIVE-UP BANKING WINDOWS TO THE
HIBERNIA BANK AT THE NORTHEAST CORNER OF 22ND AVENUE AND
NORIEGA STREET.

Janis Birkeland, City Planning Coordinator, stated that the Hibernia Bank presently has one drive-up window banking facility on the subject property with access from Noriega Street an egress onto 22nd Avenue. Under the subject building permit application, the bank was proposing to add two new drive-up banking windows which would require elimination of all seven existing off-street parking spaces on the site. Ms. Birkeland remarked that the City Planning Commission, by resolution adopted on December 18, 1975, had directed the staff of the Department of City Planning to submit to the Commission for review under its discretionary powers any building permit application for the construction or expansion of branch facilities for banks or other financial institutions in neighborhood shopping areas which in the opinion of the Department's staff would result in detrimental effects on the surrounding neighborhood. The staff had brought this matter before the Commission because it was believed that the project being proposed could create certain adverse traffic impacts. The following facts had led to that conclusion:

- "1. In the opinion of the Transportation Section of the Department of City Planning and of ISCOTT (Inter-Departmental Staff Committee on Traffic and Transportation) the additional windows would attract traffic which would contribute to the existing congestion caused by growing of vehicles on Noriega Street.

"2. The seven off-street parking spaces on the subject site would be displaced by the two new drive-in windows; therefore those wishing to enter the facility would have to compete for on-street parking spaces in the area.

"3. The above referenced General Guidelines for Banks and Savings and Loan Association Branch Offices state that 'Branch offices should not be auto-oriented. Like other shops and businesses in community shopping areas, they should be geared primarily toward pedestrians' and further, that 'Drive-in facilities should not be located in neighborhood shopping areas.'

George Dolin, representing the Hibernia Bank, stated that automobiles waiting to use the existing drive-up window have queued up on Noriega Street, creating traffic congestion; and the lines of cars have prevented motorists from using the off-street parking spaces on the site. He stated that the building permit application for the new drive-up windows have been filed prior to the time that the Commission had adopted its general guidelines for banks and savings and loan associations; and the staff of the Department of City Planning had issued a negative declaration for the project on March 9, 1976, basing its determination on the following factors:

"The proposed project consists of the addition of two new drive-up banking windows to an existing one-window facility at the Hibernia Bank on Noriega Street at 22nd Avenue. The subject site is within a C-2 (Community Business) zoning district adjacent to an R-1 (Single-Family Residential) zoning district.

"Noriega Street is designated in the Transportation Element of the Comprehensive Plan as a secondary thoroughfare, a street serving as a traffic collector for the district. Uses along Noriega Street in the vicinity of the subject site include shops and markets, a large lumber yard, several gasoline service stations and several residential buildings. Side streets have been developed with single-family row houses.

"The proposed facility expansion would eliminate seven off-street parking spaces; however, the area is not congested at present. The proposed exit into 22nd Avenue may increase traffic on that residential street. If patronage of the bank increases, queuing automobiles may create congestion on Noriega Street.

"The proposed project would conform to other uses in the neighborhood, and to the Planning Code. Although the proposed project has the potential to create certain adverse traffic impacts, the project could not have a significant effect on the environment."

Commissioner Starbuck stated that he could not accept the argument that the installation of two additional drive-up windows would reduce traffic congestion

in the area. That argument was similar to the one which used to be made by the State Highway Department to the effect that construction of additional freeways would reduce traffic congestion.

Mr. Dolin stated that he did not take the position that the drive-up windows would decrease the number of automobiles attracted to the bank. However, he did feel that the new arrangement would help to overcome what has been an intolerable traffic problem. He believed that the site occupied by the bank has sufficient capacity to accommodate additional automobiles.

Commissioner Starbuck, noting that automobiles have the highest emission of pollution when they are idling, remarked that the introduction of two additional drive-up windows would result in a substantial increase in emission of pollution.

Mr. Dolin stated that the existing window is a manual operation and results in transactions lasting from one and one-half minutes to ten minutes. The new windows would be served by a pneumatic tube and would operate much faster; and, as a result, the amount of pollutants emitted would be minimized.

Commissioner Starbuck asked if the bank had considered installing walk-up windows rather than drive-up windows. Mr. Dolin replied that the bank had considered walk-up windows at one time but had decided that drive-up windows would be preferable.

Commissioner Dearman asked if the existing drive-up window would be relocated. Mr. Dolin replied in the affirmative.

Commissioner Bierman asked if it would be possible to alleviate the traffic situation simply by relocating the existing window without installing two new windows. Mr. Dolin replied that it would be difficult to move the existing window further back in the building because of the grade of the property and the arrangement of space on the site.

Stewart Bloom felt that increasing the number of drive-up windows would more than likely increase the number of customers using the drive-up facilities; and, instead of one line of cars, the bank would be confronted with three lines of cars. He felt that the best solution would be to close the existing drive-up window. In conclusion, he emphasized that the City has adopted a "transit first" policy; and any development which encourages people to use private automobiles violates that policy.

Lawrence Power, also representing the Hibernia Bank, stated that many people who use the drive-up window would not be able to go into the bank; and he noted that the Commission had received correspondence urging that the application be approved.

Commissioner Dearman, noting that the letters which had been received in support of the application were signed by merchants, asked if notice of the Commission's hearing had been given to residents of the neighborhood. Ms. Birkland replied in the negative, indicating that the Department does not mail notices of discretionary review hearings.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the Department does notify neighborhood organizations when discretionary review hearings are scheduled. With regard to Mr. Dolin's comments concerning the negative declaration which had been issued for the project, he remarked that the negative declaration had stated that the project could not have an effect on the environment but that it could not have a significant effect on the environment. The purpose of an environmental evaluation is to determine whether the project being proposed would have a significant effect on a neighborhood as a whole; and, as a result, an evaluation is made of the effect which the project will have on an area of considerable size and not limited to the immediate area of the proposed use. While the subject application may have been filed prior to the Commission's adoption of general guidelines for banks and savings and loan associations, other materials had not been submitted until a later date. For instance, additional materials for the environmental evaluation had not been received by the Department until March 1. This aspect is most, however, as the Commission may take discretionary review at any time. The proposed project had been reviewed by both the Transportation Section of the Department of City Planning and the Inter-departmental Staff Committee on Traffic and Transportation (ISCOIT); and both of those parties had been of the opinion that the additional windows would attract traffic which would contribute to the existing congestion caused by queuing of vehicles on Noriega Street. Since the existing off-street parking spaces on the site would be removed to accommodate the new drive-up windows, those wishing to enter the bank would no longer be able to park on the site. The general guidelines for banks and savings and loan associations which had been adopted by the Commission stated that "drive-in facilities should not be located in neighborhood shopping areas." Furthermore, the vehicles using the proposed drive-up banking facilities would exit onto 22nd Avenue, thus increasing commercial traffic and noise on a quiet residential street. For those reasons, he recommended that the subject building permit application be disapproved.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Finn, and carried unanimously that City Planning Commission Resolution No. 7477 be adopted and that the subject application be disapproved.

LM76.2 - PUBLIC HEARING ON A PROPOSAL TO DESIGNATE ST. JOHN'S PRESBYTERIAN CHURCH, ARGUELLO BOULEVARD AND LAKE STREET, AS A LANDMARK.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), described the architectural and historical characteristics of the subject building which had led the Landmarks Preservation Advisory Board to recommend that it be designated as Landmark.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, introduced several representatives from the church who were present in the audience and indicated that she would be prepared to answer any questions which might be raised by members of the Commission.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7478 be adopted and that the proposal to designate St. John's Presbyterian Church be approved.

CONSIDERATION OF PROPOSED RESOLUTION OF INTENTION TO HOLD PUBLIC HEARING
ON ORDINANCE FOR PROTECTION OF TREES.

Peter Svirsky, Planner V (Zoning), reported on this matter as follows:

"This ordinance for protection of trees has been prepared to meet the Commission request made on February 5. On that occasion there was a great deal of public concern over an incident in which trees were removed from a site with no current development plans and therefore no reason for removal.

"In preparing this draft we have reviewed existing San Francisco code provisions, which have little that is pertinent, a number of tree ordinances enacted by other cities and counties, and the various needs that have given rise to such a proposal in San Francisco.

"Some really first class assistance has been given by a group of people who volunteered and, indeed, already had an outline draft for discussion. The citizens in this group, some of whom are here today, are Betsy Flack and Andy Butler, who have backgrounds in landscaping, and Harvey Freed and Clem Work, who are attorneys. Also in the group are Brian Fewer, well known for his good work with trees in the Department of Public Works, and Kit Hermann, a landscape designer with our Department.

"In our meetings, we went through the individual provisions, then made a composite draft and revised it. The discussions focused upon substance but also upon simplicity and workability, which were felt to be of high importance. It may be that further improvements can still be made.

"Today the proposal is being presented to the Commission, and the staff will suggest passage of a resolution of intention to hold a hearing on this draft as an amendment to the City Planning Code. The likely hearing date would be May 13. After action by the Commission, the ordinance would go to the Board of Supervisors.

"The existing problems this proposal seeks to deal with are mainly the following:

- "1. Lack of a permit requirement for tree removal there are no current plans for development.
- "2. An insufficient basis for environmental review in relation to trees.
- "3. Lack of affirmative criteria for review where development is to take place, including requirements for replacement of trees that are removed.
- "4. Lack of means for safeguarding of trees that are to remain during work on a site.

"A two-page summary distributed with the ordinance goes over the provisions in brief. For the most part the requirements would apply to mature trees on private property where development is to occur, or where the site is undeveloped. Permits would be required in all the covered cases, but a new, special permit for tree work would be needed only where a permit is not already required under the Building Code. Criteria are spelled out, and an application may be approved or disapproved on the basis of this ordinance. There are also provisions concerning safeguarding of trees during work on a site, replacement trees, and administration and enforcement. Properties owned by the City would not be subject to the permit requirements, but under this ordinance the City departments would have to issue directives to their employees concerning protection and maintenance of trees.

"Those are the types of provisions that are included. There were a number of other areas of possible control discussed but not included in the ordinance, principally because they would have expanded the scope beyond manageable proportions. Among these omitted areas are:

- "1. Back yard situations, where an owner wants to remove or alter a tree and no development is contemplated.
- "2. View protection, where the ordinance would be used to protect views against growth of trees downhill.
- "3. Designation of special 'landmark' or 'heritage' trees, which would then be given double protection.
- "4. Protection of landscaping other than trees.
- "5. Requirements for trees or other landscaping in new development, where no tree removal will occur.
- "6. A requirement for cash payments to a City fund where property is developed and it is determined that replacement trees put in are not adequate to compensate for the public values lost when trees are removed.

"The Department staff has developed this draft ordinance and believes it has merit. At the same time, the staff has quite serious concerns about the additional responsibilities it will entail for Department people who are at or beyond their work capacity right now.

"With regard to the responsibilities of the Department of Public Works under this ordinance, an effort has been made to set limits and to provide fees that will compensate for the work performed. These responsibilities will be discussed further with the Department of Public Works, and certain amendments to the Public Works Code will be required to recognize the functions.

"In the Department of City Planning, the responsibilities will be varied, and will include:

- "1. Additional time for environmental review.
- "2. Negotiations with developers to modify development to a greater degree than at present.
- "3. Determination of replacement tree requirements.
- "4. Checking on the safeguards for trees during construction.
- "5. Handling of citizen complaints, whatever their merit may be.
- "6. In relation to much of the above, communication of experts who may be pressed into service to assist the Department.

"These, then, are some practical factors that should be taken into account in consideration of this ordinance."

Commissioner Starbuck recommended that Section 911 of the draft ordinance be amended to include the following language:

"The principal standard for adequacy to compensate for the loss of a removed tree shall be the Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs & Evergreens (in its latest revision), by the International Society of Arboriculture (The Guide). Whenever replacement of the removed tree is not deemed feasible by the reviewing agency, in light of sound horticultural practice, the property owner shall then be liable for 'Replacement Costs'. Replacement costs shall be the sum of money necessary to replace such tree as determined by the reviewing agency using the Guide. These monies shall be credited to the Open Space Acquisition Fund, administered by the San Francisco Recreation & Park Department for the acquisition and maintenance of open space in San Francisco."

Commissioner Starbuck stated that he had proposed the amendment to the ordinance because circumstances may arise in which it would not be physically possible for a property owner to replace all of the trees removed on a given site. In the case where a site is completely covered with trees, it would not be feasible for a developer to construct a new building and to replace all of the trees. Another situation would be one in which replacement of all removed trees would produce overcrowding. Under such circumstances, he felt that a sum of money equal to the replacement cost of the trees which are not replaced should be placed in the Open Space Acquisition Fund.

President Lau asked if the amendment proposed by Commissioner Starbuck was properly before the Commission. Commissioner Starbuck replied that his purpose in offering the amendment was to make sure that the additional language could be considered by the Commission when a public hearing is held on the draft ordinance.

Commissioner Dearman stated that she had a feeling she did not favor the proposed amendment.

Commissioner Rosenblatt remarked that the proposed amendment might encourage developers to try to find a way to replace trees on their properties so that they could avoid payment of considerable sums of money into a fund which would in no way benefit their own property.

When asked by the Commission for his comments, Mr. Svirsky made the following remarks concerning the amendment which had been proposed by Commissioner Starbuck:

"One is tempted to support such a proposal, because it appears to fill a gap and to assure that trees will never be truly lost in the city. The replacement fund idea has been discussed a number of times in the working group, and it has been my view that its drawbacks very much outweigh its advantages.

"Some of the drawbacks are the following:

- "1. The ordinance would be more cumbersome. We would be talking about funds management and new procedures for assessments.
- "2. The ordinance would be harder to get adopted with this provision.
- "3. There would be even more work involved for an overtaxed staff -- it would be necessary to make or obtain precise calculations that would justify the assessment made so as to assure that the assessment will be complied with or, if challenged, will hold up.
- "4. There are good existing guidelines for professional evaluation of trees, but they involve intangible factors at every step, especially for existing trees.

Under the fund proposal, apparently one would evaluate the removed tree and arrive at a price, then look at the cost of the nursery stock proposed to be put in (including installation), and if the values did not balance there would be a deficit to be paid into the fund.

But I don't think that is what we are talking about with the words 'deemed adequate to compensate for the loss' as they are used in the ordinance -- for one thing, we ought to assume a certain amount of growth of the new trees, perhaps even a great deal of growth in some cases, before reaching a conclusion.

- "5. It is altogether possible that the fund provision would encourage a developer to lose interest in keeping the existing trees -- which, after all, is the main reason for this ordinance. The de-

veloper could easily stiffen his position on changes to his changes to his development proposal, and simply pay the money. The payment could be well worth it to him, based upon other cost savings as the project moved along.

- "6. The fund payments would have the appearance of a tribute or penalty and would not sit well with many people. A legal challenge might well occur, and I am not familiar with any cases that have upheld such a provision.
- "7. There are also substantial questions about the appropriateness of using funds for tree planting or open space at a location distant from the site where tree removal has occurred. The connection in a given case might be very remote indeed.
- "8. If the overriding objective of this proposal is to get new trees planted in the city, then other requirements would be much more to the point. Those requirements would be aimed at getting new trees and other landscaping in all, or nearly all, new development. Many of the sites being developed have no existing trees. In many cases the Department is able to require or encourage tree planting in new development, both in street areas and on the site. That is certainly the best way to get more green in the city -- not by battling with a few developers about payments to a fund."

Commissioner Starbuck withdrew his motion for amendment of the draft ordinance but asked that the language which he had prepared be considered when the public hearing is held on the draft ordinance.

Commissioner Bierman stated that she felt that the amendment which had been proposed by Commissioner Starbuck might encourage developers to pay money into the fund so that they would not have to deal with the issue of replacing trees on their property.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Finn, and carried unanimously that Resolution 7479 be adopted to declare the Commission's intention to hold a public hearing on the draft ordinance and to instruct the Zoning Administrator to set a time and place for the hearing.

STATUS REPORT ON NORTHERN WATERFRONT PLANNING

George A. Williams, Assistant Director-Plans and Programs, and Charles Gill, City Planning Coordinator, presented the report and responded to questions raised by members of the Commission. Copies of the report are available in the files of the Department of City Planning.

The meeting was adjourned at 4:30 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

MAY 6 1976

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Minutes of the Regular Meeting held Thursday, April 15, 1976.

The City Planning Commission met pursuant to notice of Thursday, April 15, 1976, at 2:15 p.m. in the meeting room at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Selina Bendix, Environmental Review Officer; Alec Bash, City Planning Coordinator; Douglas Holmen, Planner II; and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle; Dexter Waugh represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that the minutes of the meeting of February 26, 1976, be approved with corrections and that the minutes of the meeting of March 4, 1976, be approved as submitted.

CURRENT MATTERS

Edward I. Murphy, Acting Director of Planning, reminded the Budget and Personnel Committee of the Commission (Commissioners Rosenblatt, Dearman, Lau) of a meeting scheduled next Thursday, April 22, at 1:15 p.m.

Mr. Murphy reported that the Finance Committee of the Board of Supervisors will consider the Department of City Planning's proposed budget for fiscal year 1976-77 at 3:00 p.m. on Friday, April 16.

Mr. Murphy announced that a Special Meeting has been scheduled on Tuesday, May 4, at 2:00 p.m. for a public hearing on the Environmental Impact Report on Islais Creek South Outfalls Consolidation, San Francisco Wastewater Management Master Plan, Implementation Program VI. The Commission requested that an Executive Session be scheduled at 1:00 p.m. on that date.

Mr. Murphy stated that he had been advised by the City Attorney's office that the Commission cannot grant a request for reconsideration of its disapproval of a building permit application for property at 316-318 Laurel Street until one year has elapsed from the date of its previous action on March 18, 1976.

Mr. Murphy, noting that the Commission had not had copies of a draft resolution before it when it voted during the meeting of April 8 to disapprove building permit applications for properties at 65 and 71 Belgrave Avenue, distributed copies of a draft which had been prepared by the staff and asked if the language of the whereas clauses contained in the draft resolution would be acceptable. Commissioner Starbuck requested that the third whereas clause of the resolution be changed to indicate that the Commission had received testimony from a number of Belgrave Avenue residents who were "opposed to" rather than "concerned about" the project.

R118.76.8 - PUBLIC HEARING ON TENTATIVE MAP FOR 6-LOT SUBDIVISION AT THIRD AND LUCY STREETS BETWEEN THORNTON AND WILLIAMS AVENUES, LOTS 12, 13, 25, 27, 28 AND 29 IN ASSESSOR'S BLOCK 5411.

Alec Bash, City Planning Coordinator, stated that the proposed subdivision involved four lots on Lucy Street and three lots on Third Street. The lots on Lucy Street are rectangular in shape with frontages of 25 feet and depths of 100 feet for a total area 2,500 square feet each. The lots on Third Street have frontages of slightly over 25 feet and depths ranging from approximately 112 to 119 feet, with total areas ranging from approximately 2,800 to 2,950 square feet. The lots on Lucy Street are located in an R-2 District and those on Third Street are located in C-2 District; all the lots are subject to a 40-X height and bulk district. The proposal was to resubdivide the seven existing lots into six lots, retaining existing lot lines with one exception. The exception would be the removal of one lot line where an existing two-family dwelling now covers two lots, in effect merging the lots. The remaining lots include one store with two residential floors above, two one-family dwellings, one two-family dwelling, and two undeveloped parcels. The subdivision had been submitted pursuant to a provision in the State Map Act which requires resubdivision of existing contiguous lots under common ownership prior to sale. He stated that a negative declaration had been issued on February 27, 1976.

A representative of the Bank of America, the subdivider, stated that he was present to answer any questions which might be raised by members of the Commission.

Edward I. Murphy, Acting Director of Planning, recommended that the subdivision be approved as consistent with the Master Plan subject to one condition which was contained in a draft resolution which had been prepared for consideration by the Commission.

After discussion it was moved by Commissioner Starbuck, seconded by Commissioner Finn, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7480 and that the subdivision be approved as consistent with the Master Plan subject to the condition contained in the draft resolution.

R75.65 - VACATION OF PORTION OF TREAT AVENUE NORTH OF 20TH STREET FOR MISSION STAGING ELEMENTARY SCHOOL COMPLEX.

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the subject referral has been transmitted by the Director of Public Works for review as to conformity with the Master Plan.

"The proposal is to vacate a portion of Treat Avenue from 20th Street north approximately 295 feet, between Folsom and Harrison Streets, to provide a continuous site for the Mission Staging Elementary School and related facilities of the San Francisco Unified School District. The school is used as a 'staging facility' for students displaced while their schools are rebuilt to Field Act standards, and will later become a permanent elementary school. The school is already constructed on the west side of Treat Avenue, and on the east side are a playground and a Spanish bilingual center now under construction. These three components would be unified by the development of Treat Avenue as a landscaped area, with approximately 20 trees and a planter with ground cover, and with a hard-surfaced portion that would include quiet games and hopscotch areas. The acquisition of property for this complex, formerly the Regal Pale Brewery site, was reviewed by the Planning Commission on October 31, 1974, and found to be in conformity with the Master Plan.

"Treat Avenue is a residential street to the south of 20th Street, and to the north is developed industrially. Four industrial lots have frontages on Treat Avenue between the portion to be vacated and 19th Street; the School District proposes the dedication of a new street to provide access from that portion of Treat Avenue to Harrison Street. Development to the south of the complex is predominantly residential, to the west is mixed, and to the north and east is industrial.

"The Mission: Policies for Neighborhood Improvement, endorsed by the Planning Commission on February 17, 1976, calls for buffering housing from adjacent industries, and for minimizing the impact of truck traffic, which would be partially met by closing Treat Avenue between its residential and its industrial portions. Policy 5 of the Neighborhood Services, Facilities and Environment Chapter calls for landscaping and maintaining school playgrounds to maximize their open space qualities, and states that new school facilities should have a maximum amount of open space and landscaping. Policy 7 calls for the landscaping of all public facilities, including schools, and for street trees in areas with little or no landscaping.

"The Urban Design Element of the Master Plan, in Policy for Conservation No. 9, calls for reviewing proposals for the giving up of street areas in terms of all the public values that streets afford, and includes criteria for situations where release of the street area should not be recommended; none of the negative criteria apply in this case. Use of the street area has been implicit in the design of the educational complex since its inception, and is considered necessary for this significant public use. Policy 10 calls for release of street areas only in the least extensive and least permanent manner appropriate in each case, which for this case would suggest retention of title to the land area by the City.

"It is recommended that the Director be authorized to report that the vacation of Treat Avenue, as shown on Bureau of Engineering Plan SUR-2275, is in conformity with the Master Plan provided that the following conditions are met: (1) the City and County shall retain fee title to the street area, with jurisdiction in the School Department; (2) landscaping of the school grounds shall be developed in consultation with the Department of City Planning, and in general conformity with the sketch plan dated March 22, 1976, submitted by the School District and on file with this proposal as Exhibit 'A', in order to ensure adequate screening of the school grounds from the adjacent area and provide a natural quality to the open space on the site; (3) street trees shall be installed on the 20th Street and Folsom Street frontages of the complex; and (4) provision for installation of a planting strip with ivy or other plant material shall be included within any dedication and development of a new street north of the playground between Treat Avenue and Harrison Street."

Commissioner Starbuck asked who presently holds title to the land where the new street will be located. Mr. Bash replied that the land is owned by the City and County of San Francisco.

No one was present in the audience to be heard on this matter.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Finn, and carried unanimously that the Director be authorized to report that the vacation of Treat Avenue, as shown on Bureau of Engineering Plan Sur-2275, is in conformity with the Master Plan providing that the conditions which had been recommended by the staff are met.

Commissioner Starbuck asked where the final decision regarding the proposed sale of the land would be made. Mr. Bash replied that that decision would be made by the Board of Supervisors.

Sam Pichey, who was present in the audience, stated that he had made the request for purchase of the City owned property to facilitate the installation of landscaping and other improvements on the strip of property. He indicated that he would not be opposed to the granting of a revocable permit for use of the property; but that approach might be more time-consuming than outright purchase of the property. If the property were sold, he understood that the City could retain an easement which would prevent vehicular access to properties in the area from Clipper Street.

Commissioner Starbuck asked if the Real Estate Department had given any estimate of the value of the strip of City-owned property. Mr. Pichey replied in the negative.

Commissioner Starbuck then asked how many revocable encroachment permits would be required for private use of the entire strip of City property. Mr. Pichey replied that it was conceivable that only one encroachment permit would be required.

Commissioner Bierman asked Mr. Pichey if he would be willing to accept the staff's recommendation and to seek a revocable encroachment permit instead of pursuing the possibility of purchasing the land. Mr. Pichey replied in the affirmative, indicating that he expected that the Department of City Planning would be willing to approve the revocable encroachment permit because the treatment which he proposed of the strip of City-owned property would enhance his project on adjacent property.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Bierman, and carried unanimously that the Director be authorized to report that the sale of property located on Clipper Street, north side, between Douglass Street and Grand View Avenue is not in conformity with the Master Plan as it would

jeopardize the control of the City over development on adjoining parcels, and that the revocable encroachment permit approach should be pursued where appropriate for use of such City property for landscaping and other similar encroachments by abutting property owners.

At 2:50 p.m. President Lau announced a 10 minute recess. The Commission reconvened at 3:00 p.m. and proceeded with hearing of the remainder of the agenda.

EE75.421 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT
FOR INTERIM IMPROVEMENTS TO THE RICHMOND/SUNSET
WATER POLLUTION CONTROL PLANT, SAN FRANCISCO WASTE-
WATER MASTER PLAN IMPLEMENTATION PROGRAM IV.

Selina Bendix, Environmental Review Officer, stated that comments on the subject Environmental Impact Report had not yet been received from the State Clearinghouse; but it was expected that those comments might forthcoming in time to be considered at the Commission's meeting on April 22.

Douglas Holmen, Planner II, summarized the Environmental Impact Report.

No one was present in the audience to be heard on this matter.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the public hearing on this matter be concluded and that the matter be taken under advisement until the meeting of April 22, 1976.

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

The meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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Minutes of the Regular Meeting held Thursday, April 22, 1976.

The City Planning Commission met pursuant to notice on Thursday, April 22, 1976, at 2:15 P.M. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas G. Miller, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Toby Rosenblatt, Vice President.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Alan Lubliner, City Planning Coordinator; Moira So, City Planning Coordinator; Dave Fulton, Planner II; Douglas Holmen, Planner II; John Mackie, Planner II; Paul Rosetter, Planner II; and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Finn, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meetings of the March 18 and 25, 1976, be approved as submitted.

CURRENT MATTERS

Edward I. Murphy, Acting Director of Planning, reminded the Implementation Committee (Commissioners Starbuck, Bierman and Dearman) of a meeting scheduled next Thursday, April 29, at 12:00 Noon. The regular Commission meeting on that date will commence with a field trip at 1:00 P.M.

Mr. Murphy reported that the Mayor's Select Committee on Yerba Buena Center will hold it's first two public meetings of a series on Saturday, April 24 at 2:00 P.M. and on Wednesday, April 28 at 7:30 P.M. in the auditorium of the Silvercrest Residence at 133 Shipley Street near Fourth and Folsom Streets. George Williams will represent the Department at these meetings.

Robert Passmore, Planner V (Zoning), reviewed the location of properties which are the subject of reclassification applications which have been filed and which are presently being considered by the staff. A map indicating the areas covered is available for public inspection at the Zoning Information Counter in the Department of City Planning.

Alan Lubliner, City Planning Coordinator, and Dave Fulton, Planner II, reported on staff research to date concerning the concept of preferential parking in residential neighborhoods. A copy of the report is appended to these minutes.

Commissioner Starbuck suggested that the staff should explore the possibility of using revenues from parking meters to implement a preferential parking program in San Francisco.

At this point in the proceedings, Commissioner Dearman arrived in the meeting room and assumed her seat at the Commission table.

Commissioner Bierman Suggested that a special evening meeting should be scheduled for the public hearing on the preferential parking program.

ENDORSEMENT OF RESOLUTION NO. 7429 ADOPTED BY THE CITY PLANNING COMMISSION ON JANUARY 7, 1976, AUTHORIZING THE DIRECTOR OF PLANNING TO ENTER INTO A CONTRACT WITH THE FOUNDATION FOR SAN FRANCISCO'S ARCHITECTURAL HERITAGE FOR THE PURPOSE OF ADMINISTERING A PRESERVATION LOAN PROGRAM, IDENTIFIED AS PROJECT C-7 IN THE 1975 COMMUNITY DEVELOPMENT PROGRAM.

Moiria So, City Planning Coordinator, and John Mackie, Planner II, reported on this matter as follows:

"The conservation and preservation of resources of special architectural/historic/cultural value is one of the activities eligible for expenditure under the Housing and Community Development Act.

"Prior to submission of San Francisco's 1975 Community Development Application, public meetings were held to discuss how the City should use Community Development funds to assist preservation. A number of suggestions were made and it was agreed that an allocation of Community Development funds should be proposed in general terms. A proposal was submitted and the amount of \$200,000 was set aside in the 1975 Community Development Program for this purpose. The Department of City Planning was to take the lead in developing a program and return to the Board of Supervisors for final review.

"Since adoption of the 1975 program, interested persons and groups have again been consulted and more public meetings have been held. At a public meeting on July 22, 1975, it was determined that the Department of City Planning should work in conjunction with The Foundation for San Francisco's Architectural Heritage to develop a preservation loan program.

"On January 7, 1976, the City Planning Commission authorized the Director of Planning to enter into contract negotiation with Heritage and provided that the Commission should review the program after one-half the funds had been expended. That resolution is attached. The Program must also be approved by the Board of Supervisors.

"The function of the proposed Preservation Loan Program will be to make or guarantee loans for the restoration and/or rehabilitation of structures of architectural merit and community significance where other loans either are not available to or cannot be afforded by the owner.

"The \$200,000 sum is to be added to Heritage's Urban Conservation Fund and used for loans for loan guarantees. These monies would be managed according to the following guidelines:

"A. Program Objectives

The Loan Program is to be implemented so as to attain the following objectives:

1. The Program should benefit primarily persons of low or moderate income.
2. The Program should promote the preservation of structures of architectural merit which provide a link to San Francisco's cultural heritage and which contribute significantly to a neighborhood environment.
3. The Program should be directed primarily to owner-occupied structures.
4. The Program should place emphasis on exterior restoration or rehabilitation recognizing, however, that provision for an extended life for the structure is also of importance.

5. The Program should minimize dislocation of residents necessitated by increased housing costs or long-term physical disruption.

"B. Financial Policies

The Loan Program is to be operated consistent with the following policies:

1. The economic and financial feasibility of each project will be evaluated; financial risks will be minimized consistent with the Program Objectives, but the potential for loss is acknowledged.
2. As little Program capital as possible will be committed to each project; \$25,000 is the maximum amount of Program funds that may be used for the restoration or rehabilitation of any single property.
3. Program funds will be leveraged to the extent practical by the use of funds as guarantees to secure conventional loans, rather than by making direct loans.
4. All proceeds from principal and interest payments on loans will be used to replenish the Program funds.
5. Loans or loan guarantees will be extended only in situations in which other loans either are not available to or cannot be afforded by the owner of a structure.
6. In order that more properties may benefit from the Program, interest rates and loan repayment will be designed to provide the maximum return to and circulation of Program funds consistent with the Program Objectives.
7. The terms of a Program loan or loan guarantee may be tailored to the individual requirements of the property or borrower; however, persons and properties of like circumstances will be treated in a like manner.

8. All Heritage staff and other administrative support costs apart from direct costs incurred in connection with individual projects will be paid by Heritage from funds other than Program funds.

"C. Eligible Activities

Loans will be extended to permit rehabilitation activity, particularly facade work. While facade work will most directly benefit the greatest number, it is also recognized that consideration will have to be given to securing the continued life of the building. In addition, loan money may be used by the owner for relocation assistance.

"D. Loan Conditions

Each loan granted or guaranteed under the Program will be subject to the following conditions:

1. If low-income persons, as defined by HUD, are to be dislocated by increased housing costs or long-term physical disruption, the property owner will be required to accept relocation responsibility.
2. The property owner will be required to agree to appropriate measures to assure that the structure facade is not altered without the agreement of Heritage.
3. The property owner will be required to agree that during the time a Program loan is outstanding, rent for any dwelling unit in the rehabilitated structure will be tied to a fair rent standard.
4. The property owner will be required to agree that the loan will not be used for real estate speculation.

"E. Loan Program Administration

The Loan Program, as part of the Urban Conservation fund, will be administered by a professional staff already retained by Heritage. A Loan Committee made up of persons representing a range of interests from

such quarters as local government, neighborhood groups, financial institutions, and interested individuals, will advise Heritage on the administration of the Program. The City may terminate the Program if it is felt that the Program Objectives are not being met. In addition to the City Planning Commission review after one-half the funds are expended, the Department of City Planning and the Mayor's Office of Community Development will continuously monitor the Program."

Commissioner Starbuck asked if a list had been compiled of buildings which may be rehabilitatable with funds from the Preservation Loan Program. Mr. Mackie replied in the negative.

Commissioner Miller asked who will decide how the funds will be allocated. Mr. Mackie replied that those decisions will be made by the Board of Directors of Heritage with the advice of a committee which will include representatives of City agencies.

Mr. G. Bland Platt, President of the Landmarks Preservation Advisory Board, spoke in favor of the concept of the Preservation Loan Program and urged the Commission to endorse the resolution authorizing the Acting Director of Planning to enter into a contract with the Foundation for San Francisco's Architectural Heritage. She remarked that the book "Here Today" could be used as an inventory of buildings which might qualify for rehabilitation funds under the program; and she remarked that Heritage and the Landmarks Preservation Advisory Board could verify the authenticity of buildings which are not included in the book.

George A. Williams, Assistant Director-Plans and Programs, stated that the previous Commission had voted unanimously on January 7, 1976, to authorize the Acting Director of Planning to enter into contract with the Foundation for San Francisco's Architectural Heritage for the purpose of administering a Preservation Loan Program. He indicated that the Mayor's office is prepared to submit the program to the Board of Supervisors; but before doing so, the Mayor wishes to have the endorsement of the City Planning Commission.

Commissioner Dearman, noting that \$25,000 would be the maximum amount of program funds which could be used for the restoration or rehabilitation of any single property, asked what could be accomplished with that amount of money.

Robert Berner, representing Heritage, stated that he doubted that many requests would be received for funds in excess of \$15,000. In any case, he emphasized that only \$100,000 would be available during the initial phases of the program; and, in order to have as wide an impact as possible, the funds for individual projects would have to be limited.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the previously adopted resolution be endorsed.

CONSIDERATION OF PROPOSAL TO SUPPORT LEGISLATION IMPLEMENTING THE CALIFORNIA COASTAL PLAN AS ADOPTED BY THE COASTAL COMMISSION.

George A. Williams, Assistant Director-Plans and Programs, reported on this matter as follows:

"Proposition 20, passed by the California voters in November 1972, required preparation of a plan for the conservation and use of the coastal zone. This has been done by the California Coastal Zone Conservation Commission and the six regional commissions. The California Coastal Plan was submitted to the State Legislature and the Governor on December 1, 1975.

"Under existing law, the coastal commissions will go out of existence on December 31, 1976. To ensure that the plan is adopted and implemented, Senate Bill 1579 (authored by Senator Anthony Beilenson) proposes to establish a permanent Coastal Conservation Commission within the State Resources Agency and provide for an orderly termination of the regional coastal commissions. Each regional commission would cease to exist after all cities and counties within its portion of the coastal resource management area had prepared an acceptable program to accomplish the California Coastal Plan. Local programs, to be prepared by January 1, 1979, would have to be certified by the Coastal Conservation Commission.

"Although SB 1579 is a lengthy and carefully prepared bill, it has met with some criticism from both environmentalist and development interests. It will undoubtedly undergo revision. Another bill -- SB 1919 -- has been introduced as a much simplified attempt to achieve the same goal; it lacks any statutory policies, however, relating to coastal development and preservation. It is unclear, therefore, exactly what legislation will emerge as an acceptable attempt to implement the Coastal Plan. In any event, the Legislature must enact some permanent legislation this year to maintain special control over the coastal zone.

"Effect of the Coastal Plan on San Francisco"

The Coastal Plan is a blend of two levels of planning carried out simultaneously for almost three years. The California Coastal Zone Conservation Commission -- the 'parent' statewide coastal agency -- developed the goals and policies reflecting statewide interests in the coastal resources. Within this statewide framework, each of the six regional coastal commissions prepared a plan for the coastal area within its jurisdiction. In its final form, as submitted to the Legislature and Governor, the Coastal Plan is composed of (1) findings and 162 policies relating to various aspects of the coastal environment, and (2) summaries of the regional plans and plan maps.

"Attached are the pages from the statewide plan that summarize how the coastal policies apply to specific geographic areas in San Francisco. Under the Coastal Plan as submitted to the Legislature, San Francisco would have until January 1, 1979, to bring its Master Plan and other plans and regulations into conformity with the State Plan. After certification of local coastal programs, the Regional Commission would go out of existence and future controls would to a great extent be exercised locally subject to limited appeals to the State Commission. The State Commission would also give direct review to proposed developments in a 'permit area' close to the coast. In San Francisco this 'permit area' would be quite small, due to the exclusions that are provided for built-up urban areas.

"The staff of the Department worked closely with the staff of the Coastal Commission during preparation of the Coastal Plan. Accordingly, the points made in the attached regional summary are in substantial agreement with the policies and programs now in use in San Francisco. The regional plan would cover the area from Ocean Beach to Park Presidio and Nineteenth Avenue.

"In this area, the regional plan coincides with City policies for public open space lands, including those of the Golden Gate National Recreation Area. The Department's plan for modifying the Great Highway is given special recognition. Local policies relating to Lake Merced and the Zoo are also recognized.

"With respect to private development, the regional plan refers to the Residence Element of the San Francisco Master Plan, which has since been revised so that it is now more consistent with the objectives of the regional plan. Reference is also made to the Residential Zoning Study, with an indication that that study should be relied upon to bring San Francisco zoning into conformity with the regional plan. Perhaps the most difficult task set by the regional plan is the establishment of an adequate design review process governing scale, height, bulk, color and other aspects for dwellings of three or more units in the coastal resource management area.

"Conclusion

The Department staff believes that early passage of legislation to implement the Coastal Plan and to provide a permanent means for safeguarding of coastal resources is a matter of great importance to the state and to San Francisco. The coastal planning done for San Francisco is essentially consistent with the City's own policies and programs for coastal areas. The people of San Francisco should also benefit from the coastal planning applicable to other counties, especially those immediately adjacent to the north and south. If a permanent coastal planning framework is established at an early date, all cities and counties will be able to proceed with certainty in treating coastal areas in their own jurisdictions.

"It is recommended, therefore, that the City Planning Commission take a position of support for the Coastal Plan and for means to implement the plan. The Commission endorsement would include an authorization to the Department staff to watch the course of legislation in Sacramento so that a recommendation may be given for support by the City of the bill or bills that will best carry out the purposes and intent of the Coastal Plan."

Commissioner Miller, noting that the coastal zone boundary in San Francisco runs along 19th Avenue, expressed concern about the possibility that the State Coastal Commission may eventually be doing all of the planning for the western part of the City, leaving the City Planning Commission with jurisdiction covering only the eastern part of the City. Mr. Williams replied that the coastal plan would provide a three year period for local jurisdictions to bring their plans into conformity with the plan prepared by the State; and responsibility for implementation of the plans after that date would rest with the local jurisdiction.

Commissioner Miller then asked what would happen in the future if San Francisco did not wish to conform with the State plan. Mr. Williams replied that the State plan would then supersede local control. However, he indicated that he personally felt that such an arrangement would be necessary in order to protect the coast which is a unique natural resource.

Commissioner Miller then remarked that the Bay Conservation and Development Commission had originally sought jurisdiction over property up to 1600 feet from San Francisco's shoreline along the bay but had finally accepted jurisdiction over only 100 feet of property for the purpose of assuring access to the bay. He asked if the coastal plan could be revised to limit the State's jurisdiction over property in San Francisco to an area 100 feet from the shoreline. Mr. Williams replied that he did not feel that such a revision would be necessary since exclusions are provided for built-up urban areas which would limit the State's direct review of proposed developments to an area located close to the coast.

Commissioner Miller stated that he felt that the Commission should not voluntarily give up 40% of its jurisdiction.

Commissioner Finn stated that he was supportive of the intent of the coastal plan; however, he shared the concern which had been expressed by Commissioner Miller and he suggested that an effort should be made to clarify the areas within San Francisco which will be affected by the State plan.

Mr. Williams remarked that the areas in San Francisco to be affected by the coastal plan are defined by the following language which is contained in the plan:

"Coastal Zone Boundary in San Francisco. Proposition 20 required that the coastal zone boundary follow the 'highest elevation of the nearest coastal mountain range'. In San Francisco, such a line traverses Twin Peaks, in the center of the city, and includes many districts and neighborhoods which are distant or invisible from the coastline or which have very little access or relationship to 'coastal' neighborhoods. Development of distant urban hills does not dominate the visual character of the coastal zone.

"The Coastal Plan thus recommends that the coastal resource management area boundary in San Francisco to follow the Golden Gate Bridge, Park Presidio Boulevard and 19th Avenue. This would provide a management area approximately two miles deep, would include all coastal

portions of the GGNRA and almost all of the neighborhoods which view themselves (by tradition and the boundaries of census tracts and civic organizations) as entire coastal neighborhoods. However, beyond walking distance to the shoreline (about Sunset Boulevard), the character of urban development is of much less statewide significance to Coastal Plan policies. Virtually the only connection which areas to the east of 19th Avenue have with the coast is a view of the sunset (when it's not foggy). And that connection is too tenuous to require permanent inclusion within the coastal zone."

Commissioner Miller asked what representation San Francisco would have on the Coastal Commission. Jack Shoop, representing the California Coastal Zone Conservation Commission, stated that the composition of the Regional Commission will remain unchanged.

After further discussion it was moved by Commissioner Bierman, and seconded by Commissioner Starbuck that a draft resolution with the following resolved clause be adopted:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby express its support for the California Coastal Plan and for legislation to carry out its purposes and intent, and authorizes the staff of the Department of City Planning to watch the course of legislation in Sacramento so that a recommendation may be given for support by the City of the bill or bills that will best carry out the purposes and intent of the Coastal Plan."

Commissioner Miller moved that the draft resolution be amended to specify that the jurisdiction of the State Commission should extend only to recreational and coastal areas in San Francisco and not to developed properties. The motion was seconded by Commissioner Finn.

Mr. Williams remarked that coastal and recreational areas would be the only areas of San Francisco included in a "permit zone" under the State plan. Other areas of the City would be subject to a one-time only review process; and that review process would relate to issues which have been addressed in San Francisco's Master Plan or which will be addressed during the course of the Residential Zoning Study. He felt that there was really very little conflict between the State plan and local plans; and he felt that the State plan should be endorsed.

Commissioner Miller asked Mr. Williams if he felt comfortable with the coastal zone boundary which had been established along 19th Avenue. Mr. Williams replied in the affirmative.

Commissioner Finn asked Mr. Williams if he felt that it would be possible to have the boundary line moved closer to the coastline. Mr. Williams replied that Sunset Boulevard had been considered as a possible boundary; but the Coastal Commission had finally settled on 19th Avenue instead. He stated that the staff of the Department of City Planning feels that there is a genuine State-wide concern relating to the area which had been included in the coastal zone boundaries.

Commissioner Finn stated that he felt that developed properties within the coastal zone boundaries are a matter of local and not State-wide concern.

Commissioner Dearman inquired about the process which had led to adoption of the State coastal plan. Mr. Shoop replied that a public hearing had been held on the San Francisco portion of the plan in City Hall. At that time, residents of the area extending from Twin Peaks to the ocean had been present and had wanted their area to be under the jurisdiction of the Coastal Commission. In fact, they would have preferred that the coastal zone boundary be established at Twin Peaks rather than at 19th Avenue.

Commissioner Bierman remarked that people throughout the State had done a great deal of work to prepare the coastal plans; and it did not seem to her that the portion of the plan relating to San Francisco would be inconsistent with local policies. Therefore, she felt that the Commission should endorse the plan. When the question on the motion to amend the draft resolution was called, the motion failed by a vote of two to four. Commissioners Finn and Miller voted "aye"; Commissioners Bierman, Dearman, Lau and Starbuck voted "no".

When the question on the main motion was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7481.

CURRENT MATTERS continued

George A. Williams, Assistant Director-Plans and Programs, advised the Commission that the Golden Gate Bridge and Highway District is scheduled to hold a public hearing on proposed fare and toll increases; and he requested authorization for the following statement to be read at that hearing:

"The San Francisco Department of City Planning is currently involved in a number of matters pertaining to transportation planning in the Golden Gate corridor. These include implementation of San Francisco policy on short-range improvements in San Francisco recommended by the Golden Gate Corridor Study Board of Control, and the study of improvements in the Doyle Drive segment of U.S. 101.

"San Francisco's direct participation in these issues is predicated on support of the Bridge District's long-range goal of over 50% of peak period commuters using public transportation. Similar goals are reflected in the City's Master Plan, which calls for giving priority to public transit as the means of meeting the transportation needs of commuters; reducing or at least not increasing the vehicular capacity of bridges and highways entering the city; and diverting through automobile traffic from residential neighborhoods. The City's policy on short-range improvements in the Golden Gate corridor is contained in a letter to the General Manager of the District of March 20, 1975, and a City Planning Commission memo of May 8, 1975.

"Two significant aspects of this toll and fare proposal appear to be in conflict with our mutual goal of increasing peak transit use; 1) the proposed discount given to auto drivers in the morning peak period, and 2) the disproportionate increase in transit fares in Zones 3-6 when compared to tolls.

"Not only is a commuter auto discount in opposition to San Francisco's policy and the District's long-range goals, it also seems to run contrary to the District's intention of implementing transit route improvements in San Francisco, and the District's adopted phased solution to needed improvements on Doyle Drive.

"Obviously, the District cannot achieve the necessary reduction in the number of autos crossing the bridge in the commute period to afford a smooth traffic flow on Waldo Grade and Doyle Drive, by providing an incentive to auto drivers by way of a discount.

"While we can appreciate the financial needs of the District, we can see no reason why auto drivers not in carpools should receive this advantage.

"To stabilize reserves, perhaps the District might consider increasing tolls uniformly at all times, and thereby possibly obviate the need to increase commute transit fares in Zones 3-6 disproportionately to toll increases."

After discussion, the Commission agreed to authorize the staff to attend the public hearing and to read the statement.

At 3:50 P.M. President Lau announced a 10 minute recess. The Commission reconvened at 4:00 P.M. and proceeded with hearing of the remainder of the agenda.

EE75.421 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR INTERIM IMPROVEMENTS TO THE RICHMOND/SUNSET WATER POLLUTION CONTROL PLANT, SAN FRANCISCO WASTEWATER MASTER PLAN IMPLEMENTATION PROGRAM IV. (UNDER ADVISEMENT FROM MEETING OF APRIL 15, 1976.)

Selina Bendix, Environmental Review Officer, noted that the public hearing on this matter had been closed; however, the Commission had not been able to certify the completion of the report because comments had not been received from the State Clearinghouse. She stated that comments had since been received from the Clearinghouse; and, after summarizing those comments, she recommended that a draft resolution be adopted with the following resolves:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report, dated April 22, 1976, concerning EE75.421: San Francisco Wastewater Management Master Plan Implementation Program IV, Richmond/Sunset Water Pollution Control Plant Interim Improvements, is adequate, accurate and objective, and does hereby CERTIFY THE COMPLETION of said Report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said Report does hereby find that the project as proposed will not have a significant effect on the environment."

After discusison it was moved by Commissioner Starbuck, seconded by Commissioner Miller, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7482.

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

EE74.268 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT ON PROPOSAL TO BUILD A NEW HOSPITAL ADDITION IN PHASED INCREMENTS (ST. FRANCIS MEMORIAL HOSPITAL, NORTHEAST CORNER OF BUSH AND HYDE STREETS).
(UNDER ADVISEMENT FROM MEETING OF APRIL 1, 1976).

President Lau invited members of the audience to present additional comments on the adequacy and accuracy of the Draft Environmental Impact Report.

The Commission then received and responded to comments made by members of the audience including: Kim Clarke, attorney for St. Francis Memorial Hospital; Gustav Knecht, President of the Board of Trustees of St. Francis Memorial Hospital; Hank Bonner of Booz Allen & Hamilton, Inc., consultants to St. Francis Memorial Hospital; Robert Randall, Associate Administrator of St. Francis Memorial Hospital; Henry Der, Executive Director of Chinese for Affirmative Action; Mark Forrester, Executive Director of the North of Market Senior Citizens Organization; Marsha Lembers, a representative of an organization of tenants who reside in apartment buildings owned by the hospital; Robert Stewart, pastor of St. John's Church; David Low, a member of the Board of Directors of Chinese Hospital; Wray Jacobs, representing the Hospital and Institutional Workers Union Local 250; Samuel Chin, representing Jimmy Hall, Executive Secretary of the Chinese Consolidated/Benevolent Association; and William Pothier, Executive Director of the San Francisco Senior Center.

Selina Bendix, Environmental Review Officer, responded to comments which had been made by members of the audience and suggested certain changes to be made in the text of the Draft Environmental Impact Report. She then recommended the adoption of a draft resolution which contained the following resolves:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report, dated April 22, 1976, concerning EE74.268: Saint Francis Memorial Hospital, Hospital Addition Project, is adequate, accurate and objective, and does hereby CERTIFY THE COMPLETION of said Report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said Report does hereby find that the project as proposed will not have a significant effect on the environment;

"AND BE IT FURTHER RESOLVED, That the Commission, before acting on the project itself under CU76.9, does hereby certify that it has reviewed and considered the information contained in said Final Environmental Impact Report."

After further discussion it was moved by Commissioner Miller, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7483.

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription. A court reporter was also present and will prepare a transcript which will be available in the files of the Department of City Planning.

CU76.9 - 900 HYDE STREET, NORHTEAST CORNER OF BUSH STREET.
REQUEST FOR AUTHORIZATION TO CONSTRUCT A NEW HOSPITAL
ADDITION IN PHASED INCREMENTS; IN AN R-5-C DISTRICT.
(Postponed from meeting of April 1, 1976).

Robert Passmore, Planner V (Zoning), noted that the proposed project had been described during the course of the public hearing on the Draft Environmental Impact Report.

Samuel Chin read the following statement which had been prepared by Jimmy Hall, Executive Secretary of the Chinese Consolidated Benevolent Association, who had been forced to leave the meeting early, as follows:

"I am here this afternoon to voice our concerns over the proposed construction of St. Francis Hospital Outpatient Clinic. As you all know, the Chinese Hospital at the present time has under construction a new Comprehensive Health Care Center. It will be completed and ready for service by the first of the year. The center will serve all eligible persons in the Health District #4. With this new center and new equipments we can better serve the community. The majority of patients will be Chinese some with language problems but our obligation is to serve all eligible persons in Health District #4.

"The Chinese Consolidated Benevolent Association, being one of the 15 sponsors of the Chinese Hospital, is naturally concerned over its survival. The center is heavily mortgaged for \$6,000,000. Our only means to discharge our obligations is from revenue derived from the Center. With another similar Center so close to us, we are very concerned about our survival.

"Your final decision on the proposed St. Francis Hospital Outpatient Clinic will affect the destiny of our new clinic.

"We request the Commission not to authorize the construction of the proposed St. Francis Outpatient Clinic."

During the course of Mr. Chin's presentation, Commissioner Dearman absented herself from the meeting room for the remainder of the meeting.

Kim Clarke, attorney for St. Francis Memorial Hospital, indicated that representatives of the hospital and their architects were present to answer any questions which might be raised by members of the Commission.

Commissioner Starbuck remarked that the Commission, in considering a conditional use application, must determine whether the use proposed is necessary and desirable for the community; and he requested members of the audience to address themselves to that issue as they presented their testimony to the Commission.

Mark Forrester, Executive Director of the North of Market Senior Citizens Organization, remarked that the San Francisco Chronicle had carried an editorial that morning which took the position that the Conditional Use Application for St. Francis Hospital should be approved because the facilities being proposed are not available at Chinese Hospital; and he noted that there were a number of union people present in the audience. Under the circumstances, it seemed to him that it was apparent that St. Francis Hospital has considerable "clout"; and he expected that individuals who were opposed to the application would have a minimal chance for success. He stated that he did not object to the technical facilities which would be provided in the new building; but he did not feel that St. Francis Hospital's medical program would be designed to serve the communities which are most in need of medical care. He indicated that he understood that the hospital must provide a certain amount of subsidized medical care to those who cannot afford it if it accepts State or Federal funds; but he questioned who would be required to absorb the cost for the additional services. He noted the representatives of the hospital had indicated that they would more than likely lose Federal funds which had been promised if the conditional use application is not approved by the Commission by a particular date; and, while he did not challenge that claim, he did want to suggest that it would not necessarily be "scandalous" for the hospital to return the Federal funds and to abandon its project. In that regard, he noted that San Francisco, during the "freeway revolt", had refused funds

for highway construction which had been offered by the State and Federal governments. He noted that the Commission had postponed action on the Draft Environmental Impact Report to enable interested individuals and organizations in the neighborhood to meet further with St. Francis Hospital regarding the proposed project; and he felt that the conversations to date had been most productive. The administrative staff of St. Francis Memorial Hospital had presented community organizations with a position statement on April 19 and had made additions to that position statement on April 21; and, while he considered the statement to be much too general, he felt that the hospital had taken a step in the right direction. Nevertheless, he believed that St. Francis Hospital wished to proceed with the project for financial reasons and not because it is needed by the community. In planning the facility, St. Francis Hospital could have met with other organizations to construct a health delivery plan for the northern section of the City; however, since the hospital had acted independently, a tremendous opportunity had been lost. As a result, the hospital was proposing to construct a building which was not related to a specific program. He remarked that a great deal of planning in the United States is done "ass-backward"; and he believed that the City Planning Commission should take the initiative to change that situation in San Francisco. Finally, he stated that he had lost his trust in St. Francis Hospital because of a recent incident in which the hospital had "secretly" negotiated to lease the top two floors of its building to the City for use as a mental clinic when other organizations in that area had hoped that that space could be used for establishment of a clinic which would serve the over-all health needs for residents of the area. As a result, he did not believe that the hospital really intended to implement the programs which had been included in the position statements which it had distributed to community organizations. While his disposition would be to urge that the application be disapproved, he felt that such a position would be unrealistic and, therefore, he suggested that the application should be approved with very strong conditions which would require the hospital to do what it has promised to do.

Commissioner Bierman asked when construction of the proposed building would start if the conditional use application is approved. Orville Booth, Executive Vice President of St. Francis Memorial Hospital, replied that it was expected that construction would be initiated during the latter part of July if all necessary approvals are obtained.

Commissioner Bierman then observed that any failure to observe any conditions which might be established by the Commission in approving the conditional use application, including a requirement that the hospital continue to meet in good faith with other neighborhood organizations, would be cause for the Commission to revoke the conditional use authorization at a later date.

President Lau asked Mr. Forrester if he was satisfied with the programs proposed by St. Francis Hospital in the memorandum dated April 19 and 21, 1976. Mr. Forrester replied in the affirmative but indicated that he personally doubted that the hospital intended to implement the programs proposed in the memoranda.

Robert Randall, Associate Administrator of St. Francis Memorial Hospital, stated that the negotiations for lease of the top two floors of the hospital building to the City had not been conducted secretly; and, in fact, he had advised members of the Commission that such discussions were taking place when they had toured the hospital's facilities. He stated that the determination that the space should be used for a mental clinic had been made by the City and not by St. Francis Hospital.

Dr. William Gee, a dentist in Chinatown and a member of the Health Committee of the Chinatown-North Beach District Council, stated that he had circulated a memo to organizations in the neighborhood to advise them that St. Francis Memorial Hospital had negotiated secretly with the City to lease the top two floors of its hospital building for a mental health clinic. He felt that the organizations should be aware of the type of people that they are dealing with and that they should not place complete trust in the hospital. He stated that he did not object to the provision of quality health care in the community; but he felt that other organizations in the area should have a voice in determining what type of health care programs are to be implemented. He remarked that the Board of Directors of St. Francis Memorial Hospital has repudiated actions taken by the administration of the hospital in the past; and he expected that the board might repudiate the position statements which had been distributed by the administrative staff on April 19 and 21. Since Federal money is to be expended on the proposed project, he felt that the public should be given assurances that the programs proposed in the two memoranda will proceed for the benefit of the community.

President Lau asked if the memoranda dated April 19 and 21 had been approved by the Board of Trustees of St. Francis Hospital. Gustav Knecht, President of the Board of Trustees, replied in the negative but indicated that the board will consider the memoranda at its meeting next week.

Commissioner Bierman stated that she felt that St. Francis Hospital, with an all white, all male Board of Trustees, is living in the past; and she believed that it is time that all major institutions in San Francisco should enter the new era. The position statements which had been circulated by the administrative staff of the hospital had indicated that a Chinese person would be appointed to the Board of Trustees by 1977; but she did not feel that that

gesture was sufficient. It seemed to her that the hospital could safely appoint minority people to its board without too much trouble; and she did not understand how the hospital could deal with the community when it has no women on its Board of Trustees. Under the circumstances, she found it difficult to be sympathetic to the hospital.

Mr. Knecht replied that St. Francis Memorial Hospital has a complicated set of by-laws which provide for elections only once a year. The last election was held in March, 1976; and the next election will be held in March 1977. He advised the Commission that a Chinese person had been invited to serve on the Board of Trustees; but the nominating committee had not nominated him. While he recognized that the hospital must make changes, he felt that those changes must take place through evolution and not by revolution.

Commissioner Bierman asked if the Board of Trustees of St. Francis Memorial Hospital would endorse the position statements which had been drafted by its administrative staff at its meeting next Thursday. Mr. Knecht replied that the Board of Trustees could approve the position statements in principle; but he emphasized that even that approval would not cause all of the proposed changes to take place overnight. He stated that the hospital has a very diversified constituency; and he did not believe that it would be possible to make changes which would satisfy everyone immediately. Under the circumstances, he felt that a one week postponement would not accomplish anything positive; and, at the same time, there was a possibility that the delay might jeopardize the financing for the proposed project.

Sophie Wong, Vice President of the Health Committee of the Chinatown-North Beach District Council and Executive Director of Northeast Medical Services, read and submitted the following prepared statement:

"I am the Director of Northeast Medical Services, a neighborhood health center funded by HEW to provide comprehensive health care for low-income persons in the Chinatown-North Beach area. We have been providing services since 1971. At present, we are serving 7000 active registrants. Our services include: medical, dental, optometry, nursing, outreach, social services, nutrition, podiatry, health education, transportation, pharmacy, x-ray and laboratory services.

"It is my understanding that the primary effect of the proposed St. Francis ambulatory care center is also to provide comprehensive preventive health care to the medically underserved people in their primary

service area, as well as in the Public Health District #4 area. This is a complete overlapping of our service areas. According to their own financial feasibility study, the average family income from their primary service area is \$14,616, which is \$2000 higher than the city-wide average and there are only 8% poor in that area. As Mr. Randall stated, last year, they spent \$140,00 for the poor. This implies that, in order to serve the poor as has been indicated, patients will have to come from census tracts #114 and 115, and 123 to 125, which are officially designated as medically underserved areas. #123 to 125 is the north of Market area which I am not going to address. But #114 and 115 are situated in the heart of the Chinatown area where the majority of the patients already utilize the services of NEMS.

"Since we express an interest in serving the same people, we must, assuming there is no duplication of services, still, be concerned with cooperation of services between the two outpatient clinics. Let me quote a comment that was made by the CHP Council when the project was being reviewed on March 17, 1975: 'There should be some sort of cooperative agreement and relationship with the North of Market Health Clinic and NEMS'. A year has passed by and as of this date, we still have not been approached to discuss any of the issues. It is my wish, since NEMS and St. Francis will both be using government funds, that we make every effort to use the taxpayers' money in the most efficient manner possible.

"Frankly, by reading their proposal, I really have no confidence that St. Francis Hospital will be able to provide comprehensive preventive care to our ethnic group which has unique language and cultural barriers. At NEMS, we have been struggling for the last five years with a bilingual staff who are well-versed with the cultural differences, with a large outreach and health education program, with the health center located in the heart of Chinatown to attempt to deliver quality comprehensive health care. And yet, we still encounter patients who are unwilling to accept the preventive health care concept.

"Let's assume that the proposed Center is within 5-10 minutes walk from the Chinatown area. Without community input, without a bilingual staff who is knowledgeable with the cultural barriers, without an

outreach and health education program, I doubt that the proposed Center will be able to provide comprehensive preventive health care in a meaningful and acceptable manner to our community.

"In conclusion, I am a health professional, all I care is to provide high quality care to our people."

Calvin Tong, representing Asian, Inc., remarked that it was apparent that St. Francis Hospital had decided to cooperate with other organizations in the community only when it became obvious that the City Planning Commission would not approve the subject application unless there were an indication of such cooperation. The President of the Board of Trustees of the hospital had stated that the hospital addition was being proposed only to serve the needs of the community; but he did not understand how the hospital program would relate to the income level of members of the Chinatown community. Furthermore, the policy statement which had been drafted by the administrative staff of the hospital had stated only that Asian American contractors would be given an equal opportunity to compete for construction jobs related to the expansion program; and he did not feel that that offer was sufficient. He acknowledged that the hospital had taken a step in the right direction when it had agreed to meet with other community groups; but he believed that Asian American contractors should be given a "handicap" over other contractors. Furthermore, the community still had no assurance that the programs proposed in the position statements would be implemented; and he felt that the Commission should require that a timetable be established for implementation of the programs.

Marie Ansak, Executive Director of On Lok Health Service, read the following prepared statement:

"On Lok Senior Health Services does not oppose the construction of a new outpatient clinic at St. Francis; we are however concerned with quality care and good cooperation in the interest of the residents of this district. In this spirit, we have attended the recent meetings with St. Francis.

"We feel, however, that St. Francis has not yet given us assurance that they either know whom the clinic will serve nor how they will permit community input on a permanent basis.

"We are all aware of the urgent need to work with consumers to start to develop a more relevant health care system. It has been amply demonstrated that health care cannot be left up to the traditional

providers. A look at the present condition of the health care delivery system with its overabundance of hospital beds, and poor distribution and accessibility is enough to convince most prudent consumers.

"In the Areawide Health Facilities and Services Plan (1974) of the Bay Area Comprehensive Health Planning Council, it states:

'The BCHC will encourage general hospitals to involve the community they serve, including the ones in which they are located, and planning and reviewing services, so that they may effectively respond to the needs of that community.'

"It is our contention that St. Francis has only started to talk to community groups because of the extreme pressure of a deadline. As soon as a permit is received, the pressure is off and it is unlikely that any meaningful input is possible. We therefore recommend that the issuance of the conditional use permit be delayed until such time as a solid plan can be worked out for continued community input. This plan would have to be approved and supported by the St. Francis Hospital Board of Directors."

Commissioner Bierman asked Ms. Ansak if her organization would be satisfied if the position statements drafted by the administrative staff of the hospital were to be approved by the Board of Trustees of the hospital. Ms. Ansak replied that she would not be satisfied until the Board of Trustees had made a showing of good faith by amending some of its by-laws.

Wray Jacobs, representing Hospital and Institutional Workers Union Local 250, stated that he had no opposition to a change in the composition of the Board of Trustees of the hospital; however, he remarked that Children's Hospital, which has a board composed entirely of women, has more problems with discrimination than any other hospital in San Francisco. He stated that 44% of the staff of St. Francis Memorial Hospital are minority persons; and the hospital contract with his union provides that the hospital will continue to pursue an affirmative action program. The new facilities proposed by the hospital would provide additional jobs; and he advised the Commission that the lowest paying position at the hospital, that of dishwasher, has a salary of \$10,400 a year. The new facility would provide a new direction in health care; and, in addition, it would provide career jobs. He urged that the application be approved.

Henry Der, Executive Director of Chinese for Affirmative Action, urged the Commission to defer action on the subject application so that community organizations could continue to work with the administrative staff of the hospital to make the language of the position statements more definitive. Furthermore, he felt that it was important that the position statements should be adopted by the Board of Trustees of the hospital before action is taken on the conditional use application by the Commission since the programs enumerated in the position statements could be implemented only by the board. He noted that Commissioner Starbuck had requested the members of the audience to express their opinion as to whether the proposed facilities are needed; then he indicated that he could not answer that question at the present time since he had not had an opportunity to discuss the hospital's program in detail with members of the administrative staff. While a Chinese physician had been considered for appointment to the Board of Trustees of the hospital in March of this year, he had not been nominated for the post because if had been decided that he would not bring enough business to the hospital. He believed that basic institutional changes must be implemented by the Board of Trustees of the hospital; and he felt that the board should be required to attend to those changes before the conditional use application is approved.

Mr. Clarke emphasized that 90% of the new building would be used for expansion of existing facilities and only 10% of the building would be used for new facilities.

Commissioner Bierman, noting that she had requested the hospital to provide some meaningful open space on the site when the Commission was reviewing the hospital's master plan, asked if any progress had been made in that regard.

Walter Costa, representing Skidmore Owings & Merrill, architects for the applicant, replied that provision of open space on the site would require that the building be set back from the property line. Such a set-back would be difficult to accomplish because of the layout of space in the building; and he felt that the proposed building would be better from an architectural point of view if it were to extend to the property line. Furthermore, a considerable amount of time would be needed to revise the master plans for the proposed building to provide a set-back; and the building which would result might have to have a greater height to accommodate the hospital's space requirements. He estimated that it would take at least three more months to revise the plan; and an additional three months might be required for review by other agencies. Therefore, if a set-back were to be required, a delay of up to six months could be anticipated; and the project would not be able to proceed.

Commissioner Bierman stated that she believed that the Commission could establish a requirement for a set-back on the site without jeopardizing the financing of the project. Assuming that the hospital has satisfied the concerns of the community by next Thursday, the Commission could then grant the conditional use authorization subject to a condition requiring that a set-back be provided. With the conditional use authorization in hand, the hospital would be able to obtain its financing; and the project could proceed.

Dan A. Chin stated that his banking firm had arranged private financing for St. Francis Memorial Hospital. The lenders had already granted the hospital an extension from 1974 until March of 1976 with no interest; and, subsequently, they had granted an extension until May, 1976. However, their position was that no further extensions would be granted. He advised the Commission that St. Francis Hospital would not be able to accept money from the Federal government until construction actually starts on the proposed project; and, until such time that money is obtained, the hospital would not be able to pay interest to the private lenders.

Commissioner Bierman remarked that she had requested the hospital to provide a set-back on the site almost three months ago. She was disturbed by the fact that the hospital had done nothing in the interim; and, if more time should be needed to revise the plans to provide a set-back, she did not feel that the Commission should be blamed for that delay. She felt that the new facility is needed as are the jobs which the facility would provide; but she felt that the hospital should be able to reduce the size of the building to provide a 10-foot set-back. In conclusion, she emphasized that she had expressed her opinion regarding the necessity for providing a set-back several months ago; and, if the hospital did not wish to follow her advice, she felt that she could vote against the subject application with a clear conscience.

Mr. Costa stated that he could not agree that a "stupid" 10-foot set-back would improve the architectural appearance of the building; and he believed that the planting of street trees would be a better solution.

Commissioner Bierman stated that she had had a telephone conversation with the Zoning Administrator who had indicated to her that the staff of the Department of City Planning had felt that a set-back would be desirable.

Mr. Costa stated that Mr. Steele had advised him that the proposed building would be more compatible with the existing building if the set-back were not provided.

Mr. Passmore stated that the staff of the Department of City Planning has generally urged developers to construct their buildings to the property line. In the case of St. Francis Hospital, consideration had been given to the possibility of widening the sidewalk so that a double row of street trees could be planted; but it was his understanding that Mr. Steele had been satisfied that the functional needs of the hospital would make it very difficult to provide such a set-back. He remarked that the plans which were presently before the Commission were essentially the same as those which had been shown to the previous Commission approximately one year ago; and he remarked that no comment had been made regarding provision of a set-back at that time.

In response to a question raised by Commissioner Starbuck, Mr. Randall explained which of the services which will be provided by St. Francis Hospital are not provided by Chinese Hospital. In response to a further question raised by Commissioner Starbuck, Mr. Randall stated that all of the services which will be available at St. Francis Hospital are available at most major hospitals in San Francisco.

Commissioner Starbuck then stated that he felt that the hospital community in San Francisco has done a very poor job of planning. Individual hospitals have operated on an individual basis and have produced a duplication of services and an excess bed capacity. As a result, hospital costs have increased; and the consumer has suffered. At the present time, health care is one of the major cost items in a family's budget. He remarked that no one with the exception of representatives from St. Francis Hospital had indicated that the proposed facility is needed; and, in fact, Chinese Hospital had spoken in opposition to the subject application because the proposed building would result in a duplication of services. Under the circumstances, he felt that he would have to vote against the application if a vote were to be taken during the present meeting.

Mr. Randall stated that the San Francisco Comprehensive Health Planning Council had taken responsibility for reviewing new hospital facilities proposed during the last two years. While he agreed that there is not a need for additional hospital beds in San Francisco, he emphasized that the proposed facility would not provide additional beds; and it was for that reason that the project had been approved by the San Francisco Comprehensive Health Planning Council.

Commissioner Starbuck then commented on the fact that the San Francisco Comprehensive Health Planning Council had reviewed the proposed project more than one year ago; and, in any case, he was not convinced that that Council considers ancillary needs on an area-wide basis.

Commissioner Miller stated that he is a member of the San Francisco Comprehensive Health Planning Council; and he indicated that the Council is of the opinion that there is a great need for ancillary facilities in the north of Market area. He, personally, felt that St. Francis Hospital had been "under-designed" ten years ago; and, with the technical changes which have taken place since that time, he was convinced that St. Francis Hospital needs ancillary facilities to complement its in-patient services. He remarked that San Francisco may have an excessive number of hotel rooms and gasoline service stations. However, those industries have not cooperated in any mutual planning effort; and the City Planning Commission had not taken the position that they should do so. He felt that the Commission should act on the subject application based on the knowledge which is available to it at the present time.

Commissioner Starbuck moved that this matter be taken under advisement until the meeting of April 29 since he was not prepared to vote on the application until such time as the Board of Trustees of St. Francis Memorial Hospital have satisfied the concerns of Chinese Hospital and until such time as they have demonstrated that an effort will be made to coordinate the provision of health care facilities. He suggested that the Board of Trustees of St. Francis Hospital should meet with the Board of Trustees of Chinese Hospital to discuss these matters. The motion was seconded by Commissioner Bierman.

Mr. Clarke urged the Commission to approve the application during the present meeting. Otherwise, funding for the proposed project would be lost; and the responsibility for the loss would rest with the Commission.

Commissioner Bierman stated that she had understood from testimony presented during the public hearing on the Environmental Impact Report that May 17 had been set as the deadline for obtaining funds for the project. Mr. Clarke replied that he was convinced that the funds would not be forthcoming if the conditional use application were not approved during the current meeting.

Commissioner Bierman then remarked that community groups have been overlooked long enough; and she pointed out that St. Francis Hospital would have been wise to have called an emergency meeting of its Board of Trustees prior to the Commission meeting in order to obtain an endorsement of the policy statements which had been drafted by the administrative staff of the hospital.

President Lau observed that the application might be disapproved if it were put to a vote of the Commission during the present meeting. On the other hand, if the hospital were to spend next week fruitfully, he felt that it was likely that a majority of the

Commission would be willing to vote in favor of the application. He noted that no one with the exception of the Chinese Six Companies and Chinese Hospital had actually spoken in opposition to the application; however, various community groups did wish to have further input with regard to the proposal. He urged St. Francis Hospital to meet with On Lok Health Service and with the Chinese Hospital in a good faith effort to resolve their differences; and, if some agreement could be reached between those parties, he felt that the project could proceed as scheduled and that the funds would not be endangered.

Mr. Forrester urged that the matter be taken under advisement for one week. He also agreed with Commissioner Starbuck that the competition between hospitals should be stopped. He felt that a one-week delay would provide an opportunity to devise means of guaranteeing that the hospital will follow up on the program outlined in the position statements which had been drafted by the administrative staff.

Mr. Passmore stated that he had been under the impression that the only approval required by the Commission on this date was certification of the Environmental Impact Report; and he did not believe that delay of the conditional use authorization would jeopardize the funding for the project. However, the staff of the Department of City Planning had been prepared to recommend that the conditional use application be approved; and he thought that it might be helpful for the Commission if he reviewed some of the conditions which the staff felt should be included in the Commission's resolution of approval. A condition could be established which would require, prior to Commission approval of final plans for the construction of the second phase of the proposed project, a determination by the Commission that St. Francis Hospital had out-patient programs in effect that in fact provided desirable and effective medical care and services to low-and moderate-income residents of the subject portion of the city. In order to assure that such a condition would be met, he felt that the hospital administration should continue communication with neighborhood representatives and interest groups on record in the Department of City Planning for this purpose at least two times a year; and the hospital could be required to report annually to the Commission on its progress in this regard. Mr. Passmore also stated that he believed that the Bush Street parking lot would meet city planning code parking requirements for the new facilities for the present time; and, as a result, he suggested that the decking of the Pine Street parking lot for 27 automobiles should be authorized only when such construction is necessary to meet City Planning Code requirements.

Mr. Knecht advised the Commission that the Board of Trustees of St. Francis Hospital had already appointed a committee to coordinate their activities with other organizations. The committee had already met with representatives from Chinese Hospital; and another meeting of the committee is scheduled on May 9. He felt that the creation of that committee should serve as an indication that St. Francis Hospital has taken the initiative and that it intends to make an effort to coordinate with other organizations; and, based on that showing of good faith, he hoped that the Commission would proceed with approval of the subject application so that financing for the project would not be placed in jeopardy.

Commissioner Finn stated that he would have been prepared to vote in favor of the conditional use authorization during the present meeting; and he indicated that he would be prepared to vote in favor of the application next week. However, he intended to vote in support of the postponement because he doubted that the application would be approved if a vote were taken during the present meeting.

Commissioner Miller stated that he intended to vote against the postponement. He did not believe that the problems which had been raised could be resolved in only one week; and he felt that the best thing for the Commission to do would be to approve the application subject to the conditions which had been recommended by Mr. Passmore so that the funds for the project would not be jeopardized.

When the question was called, the Commission voted 4 to 1 to take this matter under advisement until the meeting of April 29, 1976, at 4:00 P.M. Commissioners Bierman, Finn, Lau, and Starbuck voted "aye"; Commissioner Miller voted "no".

The meeting was adjourned at 8:00 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

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DOCUMENTS
1976
PLANNING
COMMISSION

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, April 29, 1976.

The City Planning Commission met pursuant to notice on Thursday, April 29, 1976, at 1:00 p.m. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; George A. Williams, Assistant Director-Plans and Programs; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Wayne Rieke, Planner IV (Zoning); Alan Lubliner, City Planning Coordinator; Wilbert Hardee, Planner III; Dave Fulton, Planner II; Ralph Gigliello, Planner II; Paul Rosetter, Planner II; Edward Green, Planner I; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

1:00 p.m. - Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:00 p.m. to take a field trip to properties scheduled for consideration during the Zoning Hearing to be held on May 6, 1976.

2:15 p.m. - Room 282, City Hall

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that the minutes of the meeting of April 15, 1976, be approved as submitted.

CURRENT MATTERS

Edward I. Murphy, Acting Director of Planning, reminded the Commission of the Special Meeting scheduled for next Tuesday, May 4, with an Executive Session at 1:00 p.m. and a public hearing at 2:00 p.m.

Mr. Murphy reported that next Thursday's meeting will commence at 1:30 p.m.

Mr. Murphy concluded his report with the following statement:

"The Department has received, from several citizen groups, an outline of a proposed ordinance for control of signs on Upper Market Street. The area affected would be along Market from the Central Skyway to Collingwood

Street. The regulations proposed would be similar to, though not identical with, those now in effect along Market from the Central Skyway to the Ferry Building.

"For some time there has been interest in a sign district in this area. But the support did not appear to be significant until last year when the matter was taken up by the Mayor's Advisory Committee for Upper Market Street. The Department staff has talked with the chairman of that committee about the process required for adoption of an ordinance.

"The Department has favored such an ordinance, but considerable work will be involved in drafting of precise language, setting exact boundaries for the district, surveys of existing signs, sending notices to all owners in the district and within 300 feet of it, and enforcement of the ordinance, including the removal requirements. Unfortunately, there are many other demands upon the time of the same staff persons.

"What the staff would like to do as a first step is to review the outline that has been given us, get a better idea of the intent of some of the provisions, and consider the possible boundaries, all in consultation with the sponsors of this proposal. When that has been done, the staff will be able to recommend a course of action to the Commission."

R76.5 - AMENDMENTS TO REDEVELOPMENT PLAN FOR WESTERN ADDITION AREA A-2.

Wilbert Hardee, Planner III, stated that the Executive Director of the Redevelopment Agency had requested that consideration of this matter be postponed for one week since the Agency had not yet approved the proposed amendment.

It was moved by Commissioner Bierman, seconded by Commissioner Mellon, and carried unanimously that consideration of this matter be postponed until the meeting of May 6, 1976.

CONSIDERATION OF RESOLUTION AUTHORIZING THE ACTING DIRECTOR OF PLANNING TO ENTER INTO A CONTRACT WITH WILLIAMS-KUEBELBECK AND ASSOCIATES, INC. FOR THE USE OF HUD PLANNING ASSISTANCE ("701") GRANT FUNDS TO PROVIDE ECONOMIC DEVELOPMENT ASSISTANCE TO NORTHERN WATERFRONT PLANNING.

CONSIDERATION OF RESOLUTION AUTHORIZING THE ACTING DIRECTOR OF PLANNING TO ENTER INTO A CONTRACT WITH GRUEN GRUEN & ASSOCIATES, INC. FOR THE USE OF HUD PLANNING ASSISTANCE ("701") GRANT FUNDS TO PROVIDE ECONOMIC DEVELOPMENT ASSISTANCE TO THE RESIDENTIAL ZONING STUDY.

George A. Williams, Assistant Director-Plans and Programs, stated that the Department of City Planning had circulated thirty requests for statements of qualifications for the two contracts. Six submissions had been received, with all of the consultants bidding on both pieces of work. The submissions had been reviewed by a review panel which had recommended that the contract for work on Northern Waterfront planning be given to the firm of Williams-Kuebelbeck and Associates, Inc. and that the contract for work on the Residential Zoning Study be given to the firm of Gruen Gruen & Associates, Inc. A total of \$15,000 will be expended for the two contracts; however, no decision had yet been made as to how the funds would be allocated between the two firms. Work will be performed

on a "work order" basis, and the consultants will be paid on a per diem basis. He recommended that the two resolutions be adopted to authorize the Acting Director of Planning to enter into the contracts.

President Lau inquired about the composition of the review committee which had reviewed the submissions. Mr. Williams replied that the committee had been composed of four members of the staff of the Department of City Planning.

President Lau then asked if any minority firms had been considered. Mr. Williams replied in the affirmative but indicated that the minority firm which had submitted a proposal was not strong in the areas of needed expertise. He stated that Gruen Gruen & Associates, Inc. does have minority people on its staff.

President Lau asked if the Department of City Planning is actively soliciting proposals from minority firms. Mr. Williams replied in the affirmative.

Commissioner Mellon asked if money is presently available for the contracts. Mr. Williams replied in the affirmative.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Mellon, and carried unanimously that Resolution No. 7484 be adopted giving authorization to the Acting Director of Planning to enter into a contract with Williams-Kuebelbeck and Associates, Inc. to assist Northern Water-front planning.

Subsequently, it was moved by Commissioner Rosenblatt, seconded by Commissioner Mellon, and carried unanimously that Resolution No. 7485 be adopted authorizing the Acting Director of Planning to enter into a contract with Gruen Gruen & Associates to assist the Residential Zoning Study.

RL18.76.9 - PUBLIC HEARING ON TENTATIVE MAP FOR 17 UNIT CONDOMINIUM SUB-DIVISION AT 77 GRAND VIEW AVENUE, LOTS 22, 23, 24, 25 AND 26 IN ASSESSOR'S BLOCK 2748.

Wilbert Hardee, Planner III, referred to land use and zoning maps to describe the subject property which is an irregularly shaped through lot with frontages of approximately 63 feet on Grand View Avenue and 96 feet on Corwin Street with a total area of approximately 14,000 square feet. The property is zoned R-3 and is subject to a 40-X height and bulk district. A 17-unit apartment building is presently under construction on the site. The applicant proposed to convert the apartment building into 17 condominium units. The building, which was approved in early 1975, would have two studio units, three one-bedroom units and 12 two-bedroom units in two sections of three residential levels each. Common areas would include a recreation room, house parlor and building business office. The building is set back an average of 30 feet from Grand View Avenue and has a rear yard set-back averaging 58 feet in depth on Corwin Street. The 18 off-street parking stalls would be accessible from Grand View Avenue. Mr. Hardee stated that the Subdivision Code requires that for all newly constructed subdivisions, the subdivider must provide street trees and landscaping conforming to the policies of the Master Plan. The Code also requires a sales program which promotes affirmative action in housing.

An owner of property in the neighborhood stated that he felt that there is more need for rental units than for condominium units. In reply to questions raised by Commissioner Starbuck, he stated that he owns his property and that he has one rental unit.

Commissioner Starbuck asked if the staff knew what prices would be charged for units in the building. Mr. Hardee replied in the negative.

James White, 70 Grand View Avenue, stated that he felt that condominium units would be preferable to rental units since rental units tend to generate a lot of traffic.

Mrs. White agreed with her husband that condominium units would be preferable to rental units; and she indicated that she had always understood that units in the building would be sold on a condominium basis.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the proposed condominium subdivision be approved as consistent with the Master Plan subject to two conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Mellon, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7486 and that the proposed condominium subdivision be approved as consistent with the Master Plan subject to the conditions contained in the draft resolution.

R118.76.10 - PUBLIC HEARING FOR 7 LOT SUBDIVISION ON WEST SIDE OF VALLETTA COURT IN MIRA GLEN PLANNED UNIT DEVELOPMENT.

Ralph Gigliello, Planner II, referred to land use and zoning maps to describe the subject property which consists of 11 existing lots measuring from approximately 2800 to approximately 6000 square feet with widths each in excess of 30 feet. The property is zoned R-1 and is vacant. He stated that the proposed resubdivision of the 11 existing lots into 7 larger lots would conform with the City Planning Commission's prior approval of a planned unit development including the subject site. That approval had stated that the property could be subdivided into individual lots, in no case less than 33 feet wide and 2640 square feet in area, and developed with duplex-units. The newly created lots would measure from approximately 5800 to 9800 square feet with widths in excess of 33 feet.

John McKeown, 453 Marietta Drive, remarked that the subject property has a natural appearance at the present time; and he urged the Commission to request the developer to avoid knocking down any more trees than necessary. He had been under the impression that a portion of the subject property was owned by the City; however, if it is privately owned, he felt that it should not be fenced. In conclusion, he requested the Commission to ask the developer to give him permission to maintain a portion of the property which has been planted with wild flowers.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), explained that the rear portion of the subject property will be held as common

open space as the project is developed; and he expected that Mr. McKeown would experience no difficulty in obtaining the owner's permission to irrigate that portion of the site.

Mr. McKeown then remarked that the Pacific Gas & Electric Company has two dead-end lines in the area on ugly poles while all of the rest of the utilities have been undergrounded; and he wondered if an effort could be made to have the electric lines undergrounded, also. Mr. Steele stated that he would check into that situation.

At this point in the proceedings, Commissioner Dearman temporarily absented herself from the meeting room.

Don Van Horniein, 423 Marietta Drive, agreed that it would be desirable to have the utility poles removed. He also remarked that the subject property contains a large stand of pine and acacia trees which range in height from 20 to 40 feet; and he indicated that the trees are inhabited by hawks. He felt that it was important that that habitat should be preserved. Like Mr. McKeown, he had not been aware that all of the property was privately owned; and he asked when the property had been purchased.

Mr. Steele stated that he did not know when the property had been purchased; but plans for the subdivision were first reviewed by the Department of City Planning in 1963. He recommended that the subdivision be approved as consistent with the Master Plan subject to two conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. He also suggested that the Commission might wish to establish a third condition requiring the developer to retain as much vegetation on the site as possible during the construction period.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that a third condition be added to the draft resolution specifying that the contractor shall exercise special precautions in construction of the seven duplex buildings to avoid unnecessary damage to existing trees which are to remain on underdeveloped portions of the subject property; and the revised draft resolution was adopted as City Planning Commission Resolution No. 7487.

REVIEW OF PLANS FOR 7 DUPLEXES ON WEST SIDE OF VALLETTA COURT IN MIRA GLEN PLANNED UNIT DEVELOPMENT FOR CONSISTENCY WITH RESOLUTION NO. 5758, ADOPTED MARCH 26, 1964, AND SETTING CONDITIONS FOR THIS PLANNED UNIT DEVELOPMENT.

Ralph Gigliello, Planner II, reviewed the plans for the proposed building, stating that each of the buildings would be of a slightly different design.

At this point in the proceedings, Commissioner Rosenblatt absented himself temporarily from the meeting room.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the staff had reviewed the plans and had found them to be in conformity with the conditions previously established by the Commission.

After discussion it was moved by Commissioner Starbuck, seconded by Commissioner Bierman, and carried unanimously that the plans be approved.

R76.6 - REVOCABLE ENCROACHMENT PERMIT FOR ACCESS STAIRS IN LOMBARD STREET EAST OF KEARNY STREET.

Ralph Gigliello, Planner II, reported on this matter as follows:

"The proposal is to construct new stairs and replace existing stairs for access to a residential building on Telegraph Hill. The stairs would occupy a portion of a public right-of-way which serves no improvements other than the subject property.

"The subject site is located in a Special Geologic Study Area as identified in the Community Safety Element of the Master Plan; the project sponsor proposes to mitigate potential hazards by complying with foundation recommendations of a licensed engineer.

"The proposed stairs would improve public safety by replacing stairs which have slipped and remain angled, with stairs suitably engineered for the site, and by providing a second means of egress from the structure on the subject property.

"The Urban Design Element of the Master Plan contains criteria for review of proposals for the giving up of street areas. The proposed project does not violate any of the stated criteria for denial and would be in furtherance of the public values and purposes of streets as expressed in the Urban Design Plan and elsewhere in the Master Plan. A revocable encroachment permit would be the least extensive and least permanent manner of relinquishing the public street area to this essentially private use."

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the granting of the revocable encroachment permit be approved as in conformity with the Master Plan.

No one was present in the audience to address the Commission on this matter.

After discussion it was moved by Commissioner Mellon, seconded by Commissioner Starbuck, and carried unanimously that the Acting Director be authorized to report that the granting of a revocable encroachment permit for access stairs in the public right-of-way to 68 Lombard Street is in conformity with the Master Plan.

At this point in the proceedings, Commissioner Rosenblatt returned to the meeting room and reassumed his seat at the Commission table.

PRESENTATION AND HEARING ON INTERDEPARTMENTAL REPORT "PARKING IN SAN FRANCISCO: A PROPOSAL FOR CITIZEN REVIEW" PRIOR TO SUBMISSION TO METROPOLITAN TRANSPORTATION COMMISSION AND PRELIMINARY TO OFFICIAL PUBLIC HEARING ON PROPOSED MASTER PLAN AMENDMENTS.

George A. Williams, Assistant Director-Plans and Programs, introduced this matter as follows:

"The Metropolitan Transportation Commission is in the process of preparing a regional Transportation Control Plan, including a regional Parking Management Plan, in accordance with the requirements of the 1970 Federal Clean Air Act. The Environmental Protection Agency provided MTC with funds which were made available to the three major Bay Area cities -- San Francisco, Oakland, San Jose -- to develop parking plans which reflect the situation and characteristics peculiar to these cities.

"Under the City's contract with MTC, as approved by the Planning Commission and the Board of Supervisors last year, the Department of City Planning and Public Works were given joint responsibility for developing studies, analysis and proposals for San Francisco. The results of those studies are contained in three documents:

1. The Parking in San Francisco report is a study of policies and programs for parking management;
2. Parking: Conditions and Trends contains summaries of data used in the analysis of parking for San Francisco; and
3. The Appendix to Parking: Conditions and Trends containing even more detailed data.

Copies of all three reports are available; however, copies of the two data documents are extremely limited. If members of the audience have not received and would like a copy of one or more of these documents, you may sign up to receive a copy at the table near the door.

"The purpose of the hearing today is to hear the public's reaction to the report. No action of the Commission is required or requested. The testimony will be summarized and attached to the report and the report transmitted to MTC in satisfaction of our contractual obligation with MTC.

"Thereafter, it is the Department of City Planning's intention to propose amendments to the Transportation Element of the Master Plan based on the work done to date and on the testimony we hear today. Those proposed amendments will be distributed to the public in the near future, and additional public hearings will be held by the Commission. We would propose that future hearings be held at night to enhance citizen input.

"It was a joint departmental study -- we were able to agree on most parts of the report. There are, however, several points where we couldn't agree.

"The bulk of the work on the study was done by Charna Staten, a former head of the Department's Transportation Section, who acted as a consultant to the Department but is not available today."

William Marconi, representing the Traffic Engineering Bureau of the Department of Public Works, described some of the data which had been collected for the joint report.

Alan Lubliner, City Planning Coordinator, summarized the objectives and policies contained in the report and indicated where there had been disagreement

between the staffs of the Department of Public Works and the Department of City Planning. He then responded to questions raised by members of the Commission.

Commissioner Rosenblatt requested that the staff, in preparing proposed amendments to the Transportation Element of the Master Plan, also give consideration to recommending specific actions which could be taken to implement some of the objectives and policies which had been formulated.

Commissioner Bierman, noting that the staff intended to transmit the report to the Metropolitan Transportation Commission, asked if that transmittal would imply that the report had been endorsed by the Commission. Mr. Williams replied that he would make it clear in his letter of transmittal that the report has not been endorsed by the Commission or by the Board of Supervisors.

David Collins read the following letter which had been prepared by Arthur F. Evans, Executive Director of the San Francisco Redevelopment Agency:

"This letter is written in response to your Notice of Public Hearing on Parking, and addresses certain problems primarily connected with the off-street parking supply in the Yerba Buena Center Redevelopment Project Area.

"In general, we are supportive of the joint efforts of the Department of City Planning and the Department of Public Works, as set forth in the report entitled "Parking in San Francisco", to refine and develop further those City policies which encourage the use of transit and hopefully-concomitant lesser reliance on the private automobile. We fully endorse these policies as general planning principles upon which future decisions on parking management should be made.

"You will find enclosed, as Attachment 1, our comments on certain issues relating to parking management, which probably are unique to the Redevelopment Agency in its role as a public agency responsible for the execution of the Yerba Buena Center Redevelopment Project. These comments were discussed in general terms with Mr. Alan Lubliner of your staff on April 27, 1976. We would invite your consideration of these comments as you proceed further with the development of City-wide policies for parking management.

"Please feel free to contact Mr. William M. Mason, Acting Director, Planning and Programming, or Mr. David L. Collins, Area Director, Yerba Buena Center, for any additional information you should require concerning redevelopment project planning and scheduling of development."

The attachment to the letter read as follows:

"The Yerba Buena Center Redevelopment Project has been the subject of a Parking Management Plan (Resolution No. 1008-74 of the Board of Supervisors) and of special controls limiting the availability of off-street parking in the project area (Resolution No. 1009-74 of the Board of Supervisors). In addition, in anticipation of construction in the two central blocks, the blocks between Third and Fourth Streets between Mission and Folsom Streets, the Board of Supervisors established a temporary parking

control in Ordinance No. 150-75. We believe that these prior actions and current designs remain valid City policy. We also believe that the previous measures adopted by the Board of Supervisors should be retained to permit public control land management of off-street parking in the entire project area and to reduce pressures for provision of additional private off-street parking both within the redevelopment project and in the surrounding area, a course which seems consistent with the objectives of the Parking Study report.

"These measures which properly have been taken illustrate the important point that in situations where a large area is under public control, the same planning objectives may be achieved by different means than those applicable in the usual situation wherein many different parcels are held in many private ownerships. This, of course, is the principle embodied in the application of standards tailored specifically to a planned unit development to better achieve desired objectives. The Commission's Parking Policy should provide that in instances in which a significant area is under public ownership or control, alternative procedures or arrangements may still be used to achieve the objectives of the Comprehensive Plan's Transportation Element.

"Existing contracts and commitments, based upon current City approvals, make the Yerba Buena Center a unique situation. The currently designed public parking garage is the subject of a prior approval, concurred in by all public agencies involved under Section 146 of the City Planning Code. The Redevelopment Agency recognizes, however, that if major re-design of this public parking garage occurs in the future, such re-design should occur within the framework of any newly enacted regulations to achieve the objectives of the Transportation Element. Similarly, the timing of intermediate steps in achieving an off-street parking supply in the Yerba Buena Center area consistent with the objectives of the Transportation Element will be determined by existing contracts and commitments based upon current City approvals. We believe any new policy or regulation should be drafted to allow flexibility in design consistent with the intent of the policy.

"In summary, we believe that the changes which follow from the general planning principles now envisioned should take special note of what has already been accomplished by way of previous parking management policies for the Yerba Buena Center Redevelopment Project. In so doing, conflict between specific project design objectives and larger scale City objectives would be minimized and possibly eliminated."

Norman Rolfe, representing San Francisco Tomorrow, stated that he was basically in agreement with the objectives and policies contained in the report; however, he felt that the Commission must establish a goal of reducing the amount of off-street parking available by a certain percentage each year. He remarked that 5000 off-street parking spaces exist in the Yerba Buena Center area at the present time. He expected that pressures would develop to replace some of those parking spaces when the redevelopment project moves ahead; and he urged the Commission to resist those pressures. Creation of more off-street parking spaces brings more cars into the city; and additional cars will result in the construction of additional freeways. The staff report contained a policy calling for an increase in the number of short-term parking spaces in San Francisco; and he indicated that he felt that implementation of that policy would increase traffic

congestion in the downtown area. As an alternative, he felt that the Department of City Planning should conduct a study to determine how to make it easier for people to use transit when they go shopping. He also felt that the local parking tax should not be slanted to favor short-term parking. While he felt that there was merit to the concept of peripheral parking, the important question is where that parking should be located; and he believed that peripheral parking should not be located closer to downtown San Francisco than Harrison or Bryant Streets. Preferably, peripheral parking would be located at a greater distance from downtown -- perhaps in Marin County. He stated that he was opposed to provision of additional off-street parking spaces in areas such as the Northern Waterfront, Fisherman's Wharf, and the North Beach area because those neighborhoods are largely residential in character. He also suggested that revenues from parking meters should be placed in the General Fund rather than given directly to the Parking Authority; and he felt that the Parking Authority should be phased out. He was opposed to the suggestion that additional parking should be provided at the Balboa Street BART Station. In conclusion, he stated that he was generally in favor of the proposals made in the staff report and felt that they should be implemented as rapidly as possible.

Commissioner Starbuck asked Mr. Rolfe if he would support use of parking meter revenues to cover the administrative costs of establishing a preferential parking program in San Francisco's residential neighborhoods. Mr. Rolfe replied that he always tends to be suspicious of designating funds for specific uses and felt that it would probably be better to obtain appropriations for preferential parking programs through normal channels; however, he conceded that use of parking meter revenues for a preferential parking program would probably be a valid use of those funds.

At this point in the proceedings, Commissioner Dearman returned to the meeting room and reassumed her seat at the Commission table.

Stewart Bloom, 1695 North Point Street, read the following prepared statement:

"The Parking Plan before you today by the very fact that it exists, makes an assumption that cars will continue to roll into San Francisco in ever increasing numbers. I don't buy that assumption, and I know that some of you 'Freeway Fighters' don't either. Neither does the Planning Department's 'Transportation Plan', nor the 1973 'Conservation Plan'. In fact I feel that by now writing this Parking Plan, there is an assumed failure of San Francisco's Transit First Policy, and of the other elements of the Comprehensive Plan dealing with auto traffic. The basic assumptions of this plan are wrong.

"On page 4 in the Parking Plan, the Transportation Plan is quoted from the first part of the Fundamental Assumption section page 3. I would rather it quoted from the second part, page 6, when it states '...Consequently the Plan does not recommend new facilities which would increase the number of cars entering the city. Automobiles cannot be the primary means of commuter travel.' The last sentence is extremely important -- autos cannot be the primary means of commuter travel. Please remember that when we discuss parking downtown and parking at entrances to the city we are talking about commuter parking. Commuters are at least 60% of the San Francisco work

force. San Francisco cannot be denigrated so that bedroom community commuters can enjoy the luxury of driving autos to work. Our problem is population density caused by high-rise construction, their problem as payment for the privilege of working in 'Everybody's Favorite City' should be getting to work.

"Some of the particular points of this Plan that I disagree with are: On page 9, Objective 2, Policy 1 it again assumes that parking facilities will be built. I have complete faith in this Planning Commission, but I've been here for the last four years testifying along with some of you as your predecessors approved all sorts of traffic generating facilities. And my friends, we may all be on this side of the rail again someday. On page 14, Policy 2, limiting parking to areas peripheral to the downtown C-3 district. The area peripheral is already in use as residential or business. Does the Plan suggest we take someone's bed and turn it into a parking space? Does the Plan suggest we lose more businesses so we may provide more parking? I hope not. In the areas where the Plan speaks about 'fringe' parking as on page 51 (parking at the edges or entrances to the city), this section concludes that there are very few locations to do that, but I am fearful that some developer and future Planning Commission may try. Perhaps the Commission should suggest to our surrounding counties that they build parking facilities at the exits, so that their residents can come here to make the money to pay their taxes!

"In conclusion I'd like to quote from a 1972 article from the Examiner 'Who needs automobiles in the downtown streets?' - 'Apparently, very few people - particularly those who work and live there.' According to a HUD study called 'Vehicle-Free Zones in City Centers'. The report goes on to say that '...it has learned, in spite of widespread skepticism the establishment of vehicle-free zones has had beneficial rather than adverse effects on commercial activities.' I also noted that Policies 1, 2 and 3 of the Conservation Plan's Air Section, speaks to this very thing, a Plan to park more cars does not.

"My parking plan for San Francisco would only be a few pages long - it would restrict long term parking, it would make it as difficult as possible for commuters to drive into San Francisco. It would permit short term shopper-type parking, and parking for those who could prove a need to have an auto in the downtown area.

"One last note about Preferential Parking. I live in the Marina. Since the Muni stopped running, daytime parking places on my block have surprisingly increased. Cars that I thought were neighbors' (like a lovely red Jaguar) are no longer there. I hope you will proceed in this area.

"Thank you, very much, for listening to me."

Commissioner Bierman stated that when she had read the report she, also, had had the feeling that while the report seemed to be on the "right track", some of the specific objectives and policies, if implemented, would result in the provision of a lot of additional off-street parking in San Francisco. She suggested that it might be desirable for the staff to study other ways of reducing people's dependence on private automobiles, such as improving local delivery services.

Mr. Bloom asked if the staff of the Department of City Planning would be willing to consider the effect of a "no parking" alternative to the proposed plan. Mr. Williams replied that the proposed amendments to the Transportation Element of the Master Plan will be the subject of an environmental evaluation; and the "no parking" alternative will be considered at that time.

Ron Mathieson, 1450 Clay Street, felt that the tow-away zone which presently exists on Sacramento Street should be eliminated so that residents of the neighborhood will be able to park on the street. He felt that the Commission should also give consideration to removing tow-away zones on other streets such as Bush Street.

Mr. Williams stated that the Transportation Element of the Master Plan does call for certain one-way streets to be returned to non-arterial status. However, he felt that the likelihood of those changes being made is somewhat remote.

Mr. Marconi observed that the tow-away zone on Sacramento Street is used as a "transit only" lane; and if the objective of the Commission is to improve transit service, he felt that the Commission would not want to restore the parking zone.

A resident of 75 Capp Street represented other residents of the street who were in favor of preferential parking for residential neighborhoods. He emphasized that both Capp and Bartlett Streets had been rezoned from residential to commercial by the Commission last year; however, since the streets are located only one block away from Mission Street, one hour parking meters have been installed. While the one hour meters serve some advantage, people who live on the street must move their automobiles every hour or risk ticketing. He advised the Commission that residents of Capp Street had printed their own stickers to identify their automobiles. Initially, the meter maid on duty was sympathetic to the stickers; but, when a new meter maid was assigned to the street, the stickers actually became targets for ticketing. Over time, the tickets have become an expensive burden for residents of the neighborhood; and the situation was like having an additional tax imposed. Since the residents of the street had already paid to have stickers printed, he hoped that an official preferential parking program could be initiated on Capp Street as soon as possible. In addition, he felt that the City should declare an amnesty on the parking tickets which have already been issued.

John Oberlin, 1500 Grant Avenue, felt that the proposed preferential parking program was the most far-reaching proposal in the staff report insofar as it would result in the largest number of commuter parking spaces being removed from the city; and he urged the Commission to proceed with enactment of preferential parking programs separately from the other proposals contained in the report.

Mr. Williams stated that the staff is already working on a draft ordinance to establish a preferential parking program in residential neighborhoods.

A resident of 101 Edna Street stated that her property is located near City College and between the Balboa Park and the Glen Park BART Stations; and she indicated that she supported a preferential parking program for her neighborhood so that commuters would be discouraged from parking in the area. Students attending City College arrive in the neighborhood between 7:00 and 8:30 a.m.; and after

that time no parking spaces are left on the street for residents of the neighborhood. She stated that 47% of the students of City College still use automobiles; and she believed that establishment of a preferential parking program in the area would encourage many of those students to use transit. Until such a program is established, her neighborhood will be nothing more than a "parking lot".

Melvin Swig, President of the San Francisco Central Parking Garage Corporation, stated that he had been a member of a committee which had designed the plan for one-way streets and tow-away zones in the downtown area. That program had removed almost 1000 parking stalls. Subsequently, the Board of Supervisors had established a non-profit corporation to provide short-term parking in downtown San Francisco and had increased the cost of parking meters by 15 cents to provide financing for that program. The first garage to be proposed as a result of that program has yet to be built. He emphasized that there is a shortage of short-term spaces in downtown San Francisco; and short-term spaces are needed by people who must come into the downtown area to do business or to shop. His corporation was working with the staff of the Department of City Planning to locate appropriate sites for new short-term parking facilities; and he urged the Commission to continue to support the concept of short-term parking in the downtown area.

Commissioner Rosenblatt asked where the short-term parking facilities will be located. Mr. Swig replied that only one site has been selected on Steuart Street for construction of a 400 stall facility. No specific sites have been chosen for the other facilities.

Commissioner Rosenblatt then asked if there was anything in the staff report which would run contrary to the concept of short-term parking in downtown San Francisco. Mr. Swig replied that he was not aware of any conflicts; and he hoped that the Commission would not take any action which would be detrimental to the short-term parking program.

Commissioner Dearman asked Mr. Swig if he would be supportive of a proposal to designate a certain portion of the downtown area where no automobiles would be allowed. Mr. Swig replied that he would be opposed to such a proposal if it would interfere with business in the downtown area. He remarked that such a program had been tried in Rome but had failed.

Mr. Lubliner stated that several cities in the United States are experimenting with such programs at the present time.

Commissioner Rosenblatt requested the staff to monitor the success of those programs.

Ed Lawson, representing the Chamber of Commerce, stated that the Chamber has supported the short-term parking program in downtown San Francisco; and he advised the Commission that the results of a survey which had been undertaken last year by the University of San Francisco indicated that businessmen in San Francisco feel that the availability and the cost of parking is one of their major problems. He stated that a perfect transit system will not be available in the foreseeable future; and, in the meantime, people will continue to be utterly dependent on their automobiles. Under the circumstances, he felt that the Commission should aim at striking a balance between automobiles and transit; and he did not believe that the report which had been prepared by the staff

tended in that direction. He noted that page 2 of the report stated that the philosophy behind the Parking Management Plan is that air pollution, principally caused by automobile emissions and stationary sources, cannot be controlled completely by emission controls; yet, he had been advised by the Bay Area Pollution Control District that the recent transit strike has had no measurable impact on the quality of the air in San Francisco. He felt that the staff report should recognize the fact that wind conditions are such in San Francisco that an increase in the number of automobiles will have no measurable impact on air pollution in San Francisco. The staff report also expressed the philosophy that parking is an unproductive use of land; and he personally disagreed with that philosophy because parking provides jobs and a service to the public. He also felt that the staff report should mention the Municipal Railway's lack of dependability and that the rapidly escalating cost of Municipal Railway service is borne by every resident in San Francisco, whether they are property owners or renters. Every additional passenger removed from a private automobile and placed on a Municipal Railway vehicle costs the City an additional 50 cents per day. He suggested that the Commission should encourage greater use of car-pools in the city; and he remarked that the higher density of the city should make it easier to organize car-pools here than in suburban areas. In conclusion, he stated that he had grave reservations concerning Policy 2 on page 8 of the staff report which read as follows: "Use the City's taxing power to promote the efficient and appropriate use of the parking supply to encourage the use of transit and car-pooling." He felt that such programs should be left to private investors.

Lindsay McPheters, representing the San Miguel Improvement Association, stated that the members of his organization live only one and one-half blocks from the Balboa Park BART Station; and he indicated that commuters begin to park in their neighborhood as early as 6:00 a.m. He urged that a preferential parking program be established in his neighborhood.

Jack Garling, an officer of Macy's and Vice President of the Retail Dry Goods Association, stated that many people do wish to come to downtown San Francisco for two or three hours to shop; and he felt that adequate short-term parking spaces should be available for those people. Therefore, he agreed with the comments which had been made by Mr. Swig.

Eric Walter, representing AMFAC, stated that he shared the point of view which had been expressed by Mr. Garling.

Since there were no further speakers, it was moved by Commissioner Finn, seconded by Commissioner Rosenblatt, and carried unanimously that this public hearing be closed.

At 4:50 p.m. President Lau announced a 10 minute recess. The Commission reconvened at 5:00 p.m. and proceeded with hearing of the remainder of the agenda.

CU76.9 - 900 HYDE STREET, NORTHEAST CORNER OF BUSH STREET.

REQUEST FOR AUTHORIZATION TO CONSTRUCT A NEW HOSPITAL ADDITION IN PHASED INCREMENTS; IN AN R-5-C DISTRICT.

(UNDER ADVISEMENT from meeting of April 22, 1976.)

President Lau noted that this matter had been taken under advisement from the meeting of April 22 to enable St. Francis Hospital to meet further with other concerned community organizations; and he requested representatives of the hospital to report on what had transpired since the last meeting.

Kim Clarke, attorney for St. Francis Memorial Hospital, remarked that St. Francis Hospital had been before the Commission six times since November, 1974; and he emphasized that plans for the hospital's new facilities had been approved by all local, State and Federal agencies which have responsibility for determining health care needs. The hospital had further followed the suggestion of the City Planning Commission and had established a dialogue with other community organizations which had proved to be very beneficial; and he assured the Commission that the dialogue would be strengthened in the future. Since the Commission's last meeting, members of the Board of Trustees of St. Francis Hospital had met with the Board of Directors of Chinese Hospital; and, as a result, Chinese Hospital had withdrawn its objections to the proposed project. Representatives of St. Francis Hospital had also met further with a coalition of thirteen neighborhood organizations; and, while no tangible policies had emerged from those meetings which could be implemented at the present time, a better understanding had been reached between the hospital and the other organizations. He advised the Commission that the Board of Trustees of St. Francis Memorial Hospital had met earlier in the day and had formally adopted two position statements which had been drafted by the administrative staff of the hospital; and, in addition, the Board had adopted a resolution indicating its intention to hold meetings in the future with representatives of the coalition to discuss issues of mutual concern and, where appropriate, to report to the City Planning Commission on the outcome of those discussions. In conclusion, he stated that he was prepared to respond to any questions which might be raised by members of the Commission.

Commissioner Dearman, noting that the coalition had prepared a memorandum dated April 28 which contained policy positions for consideration by St. Francis Hospital, asked if that memorandum had been considered by the Board of Trustees of the hospital. After Mr. Clarke had replied in the negative, Commissioner Dearman asked why the memorandum had not been considered. Mr. Clarke stated that the Board had not deemed it appropriate to consider the memorandum since some of the subjects covered were not discussible.

Henry Der, Executive Director of Chinese for Affirmative Action, indicated that he represented the coalition of 13 community groups which had been meeting with members of the staff of St. Francis Hospital for the last 3 or 4 weeks. Following the last meeting of the Commission, the coalition had addressed a letter to the hospital stating that they were willing to meet as often as needed with hospital officials to resolve their differences. The hospital had finally called him on Monday and had indicated that they would be willing to meet on Wednesday afternoon, which seemed to him to be a rather late date for meeting. He had also asked for an opportunity to meet with the Board of Trustees of the hospital but had been informed that the meeting would not be arranged. Finally, he had requested an opportunity to make a brief presentation before the Board of Trustees; but no invitation had been forthcoming from the Board. Therefore, he had met with the administrative staff of the hospital Wednesday afternoon and had presented the memorandum dated April 28 which offered a series of policy positions for consideration and adoption by the Board of Trustees of the hospital. All of the policies reflected in that memorandum had previously been discussed with the administrative staff of the hospital; yet, the Board of Trustees of the hospital had been unwilling to consider the memorandum. Mr. Der emphasized that the coalition was not opposing construction of the out-patient clinic. But the coalition did feel that community groups should be given an opportunity to participate in decisions relating to the provision of medical services in the

subject neighborhood. In conclusion, Mr. Der stated that he had reviewed the draft resolution of approval which had been prepared by the staff of the Department of City Planning prior to the meeting; and he felt that that draft resolution should be revised to refer to the April 21 memorandum prepared by the coalition which suggested that specific goals and timetables should be established for enactment of the programs and policies outlined in the position statements which had been drafted by the administrative staff of the hospital and which subsequently had been adopted by the Board of Trustees of the hospital.

Commissioner Bierman asked Mr. Der if he felt that the participation of someone from a public agency, such as the Mayor's Office, in meetings between the staff of St. Francis Hospital and the coalition would be helpful. Mr. Der replied that the coalition would welcome such input; however, he felt that such an approach might put undue pressure on the hospital. He then asked if the fact that the Board of Trustees of St. Francis Hospital had adopted the position statements drafted by the administrative staff of the hospital on April 19 and 21 meant that a Chinese person would be named to the Board of Trustees of the hospital.

President Lau, noting that the memoranda of April 19 and 21 had indicated that one or possibly two minority persons would be added to the Board of Trustees of the hospital in 1977, asked if that were a "soft or a hard commitment" on the part of the hospital. Mr. Clarke replied that the Board of Trustees had adopted the memoranda; and he indicated that it was the intention of the Board to appoint minority members to the Board in 1977.

Commissioner Dearman asked if the provisions in the memoranda relating to affirmative action in hiring were adopted by the Board of Trustees of the hospital.

Orville Booth, Executive Vice President of the hospital, stated that the Board of Trustees had adopted the language contained in the memoranda of April 19 and 21. Furthermore, the hospital would be required to abide by the laws of the land in terms of affirmative action hiring. Finally, he advised the Commission that the vote cast by the Board of Trustees of the hospital had been unanimous; and he emphasized that it was the intent of the Board to follow the policies outlined in the position papers.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the conditional use application be approved subject to five specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. The conditions read as follows:

- "1. The final plans for the hospital building expansion identified as Phase I shall be in general conformity with plans filed with this application and marked Exhibit A and shall be reviewed and approved by the staff of the Department of City Planning prior to the filing of a permit application for the proposed structures;
- "2. The applicant shall seek a revocable encroachment permit for use of the sidewalk area approximately two feet in width along the Hyde Street and Bush Street frontages of the proposed building as a planting strip. All landscaping plans including street trees and other planting, shall be developed in consultation with and shall

have final approval from the Department of City Planning prior to application for building permits.. All landscaping shall be installed and permanently maintained in conformity with the final approved plans.

- "3. Phase II of the hospital addition, consisting of four floors proposed to be built on top of Phase I, shall be set back from Hyde Street a distance equal to the setback from Hyde Street of the upper floors of the adjacent 'nursing tower' of the hospital located at the south-east corner of Hyde and Pine Streets. The building plans for this phase of the addition shall be developed with and shall have the final approval from the Department of City Planning prior to application for building permits. Approval of these plans shall also be subject to condition 4 of this resolution.
- "4. Prior to approval of any building permit application for construction of Phase II this approved expansion, the hospital shall present to the City Planning Commission, evidence of good faith attempts of the St. Francis Hospital administration to maintain significant communication with community groups and agencies on record with Dept. of City Planning which express an interest in the services of St. Francis Hospital including meetings between hospital administration and these parties at least twice each year to discuss issues including but not limited to those issues contained in St. Francis Hospital Position Statement dated April 19, 1976 with amendment dated April 21, 1976, and a report by the hospital administration to the City Planning Commission at least once each year on the context of these discussions and actions resulting therefrom.
- "5. The parking structure proposed for the south side of Pine Street shall be built only if required by the Planning Code for the proposed hospital building in which case it shall provide for a minimum of 79 spaces, shall be as low in height as feasible and shall provide street trees and planters along the Pine Street frontage. The upper level of the structure shall provide screening including plant material, of the roof-top parking for the adjacent residential properties."

Commissioner Bierman read the following statement:

"On February 5th when St. Francis Hospital submitted its revised master plan to this Commission I expressed concern that the hospital addition left no room for open space or pedestrian amenities, I also noted that most other hospitals in the city have provided at least a semblance of open space and that St. Francis should be able to do likewise. The desirability or appropriateness of a large institution in a neighborhood must be based on the services and amenities that the institution can provide the neighborhood and community. While the provision of desirable medical care and services is obviously a major role of a hospital, we should expect institutions to be a major contributor in implementing that policy of the Urban Design Element of the City's Master Plan calling for the installation, promotion and maintenance of landscaping in public and private areas. I don't believe St. Francis Hospital has made the contribution of landscaping that should be expected of a major institution.. I think the two months that have passed since

the February 5th meeting should have provided sufficient time to change the earlier plans in a manner that would have provided more landscaping and open space.

"Although I believe that some expansion of St. Francis Hospital is warranted to provide more complete and better medical care to residents of the surrounding neighborhood and the rest of the city, I am not convinced that a refusal to approve the present plan would result in St. Francis Hospital not being able to provide the services that the present proposal was designed to make possible."

In addition, Commissioner Bierman stated that she had driven around the subject neighborhood; and she was convinced that opportunities for future enhancement of the area would depend on land clearance by major institutions or as a result of fires or other disasters; and, under the circumstances, she felt that St. Francis Hospital owes the neighborhood a 20-foot wide strip of open space with benches where residents of the area can sit. She stated that she favored construction of a new building for the hospital; but in view of the fact that the hospital presently has one and one-half floors of empty space, she felt that it should be able to provide some neighborhood amenities on its site. Therefore, she moved that the draft resolution be amended to specify that the hospital should provide a 20-foot set-back along Hyde Street. The motion was seconded by Commissioner Starbuck.

Commissioner Mellon remarked that St. Francis Hospital is a non-profit institution operating on very valuable land; and a set-back of 20 feet would involve reduction of the proposed out-patient clinic by a considerable amount of square footage. Under the circumstances, it seemed to him that Commissioner Bierman's request would be impossible for the hospital to meet.

Commissioner Bierman remarked that her proposal was that the first floor of the proposed building could be built below ground level in the set-back area; and, if that portion of the building should protrude above grade, it could be landscaped on top.

Commissioner Mellon stated that he had had experience with design and redesign of hospital facilities; and, given the present inflationary rate, he felt that it would be impossible for St. Francis Hospital to revise its plans to provide the set-back which Commissioner Bierman wanted. Therefore, he intended to vote against the proposed amendment.

Commissioner Finn stated that he agreed with Commissioner Bierman's philosophy and that he also recognized that there is a need for the Board of Trustees of St. Francis Hospital to be more sensitive to the needs and demands of the community; however, since plans for the hospital addition have already been prepared, he felt that he could not support a requirement for provision of a 20-foot set-back at this late date. Nevertheless, he suggested that the hospital should be able to provide some open space and other amenities during Phase II of its construction project; and he indicated that he would join Commissioner Bierman in requiring that amenities be provided at that point.

Commissioner Starbuck stated that he supported the proposed amendment of the draft resolution and he indicated that he had visited every hospital in San

Francisco to determine what services are offered and how space is being utilized; and it was his opinion that St. Francis Hospital is not using its present space to maximum advantage. Therefore, he felt that the hospital could get by with a smaller addition if it were to make more economical use of its present space.

Commissioner Rosenblatt inquired about the extent of the square footage reduction in space in the proposed building if a 20-foot set-back were to be provided. Walter Costa, architect for St. Francis Hospital, stated that the set-back would have to be 24 feet rather than 20 feet because of the way the building had been designed; and the length of the set-back would be 120 feet. Therefore, approximately 2500 square feet of floor area would have to be deleted from the proposed building if the set-back were to be provided. In response to a further question raised by Commissioner Rosenblatt, Mr. Costa stated that the lost floor space would amount to 10% of the floor area of the proposed building.

Commissioner Rosenblatt then asked if the hospital would be willing to accept the conditions which had been recommended by the staff of the Department of City Planning.

Mr. Costa stated that he would guarantee the Commission that the project would not be built if a condition were established requiring the provision of a set-back because of the time which would be required to redesign the plans for the facility. However, he indicated that the conditions which had been recommended by the staff would be acceptable.

Commissioner Rosenblatt then asked why it would not be possible for the hospital's architect to redesign the plans in sufficient time to meet Federal funding deadlines. Mr. Booth stated that plans for the new facility were submitted to the State more than 30 days ago; and he felt that it would be impossible to prepare new plans and to obtain State approval of the revised plans prior to May 17, the date which had been established as the deadline for obtaining Federal funds.

Commissioner Rosenblatt then asked if Mr. Booth was implying that the hospital could not make any changes whatsoever in its plans. Mr. Booth replied that it would not be possible to make any major changes in the plans; however, he emphasized that the hospital had agreed to provide a set-back when it proceeds with Phase II of the building project.

Mr. Costa stated that it would take his firm at least 30 days to revise the plans to provide for a first floor set-back; and additional time would be required to obtain approval from the State. He estimated that the total time required would be approximately three months.

Commissioner Finn asked if the hospital would be unable to make any changes whatsoever in its plans after Federal funds have been received. Mr. Costa replied that no substantive changes could be made in the plans after receipt of the funds because the grant would be based on the specific plans which had been submitted.

Commissioner Mellon observed that reduction of the proposed facility by 2400 square feet would probably require considerable consultation between the architects and the staff of the hospital; and that process would be time consuming.

Commissioner Bierman remarked that Mr. Booth had addressed a letter to the Commission which had indicated that a final revised time schedule had been confirmed with Louis Kolenda, Chief of the Health Facilities Branch of the Department of Health, Education and Welfare. The deadline was established as May 17, 1976; and it was stated that the items which must be produced by that date were (1) a professional estimate, (2) a certified Environmental Impact Report, and (3) a conditional use permit. She noted that the hospital already has a professional estimate and a certified Environmental Impact Report; and if the Commission were to adopt the draft resolution which had been prepared by the staff with the amendment she had proposed, the hospital would have its conditional use authorization. Under the circumstances, she did not understand why adoption of a revised draft resolution would endanger the funding for the proposed project. She noted that the revised time schedule also indicated that "delay beyond 4/22/76 endangers obligating of funds"; but she pointed out that that deadline had already passed. She felt that the subject property would inevitably be developed by St. Francis Hospital; and, for that reason, she believed that a requirement for a 20-foot set-back should be established.

Commissioner Dearman stated that it had appeared to her that the hospital had not wanted to meet with other organizations in the community; however, after having been urged to do so by the Commission, the hospital acquiesced. Now the Commission was requesting the hospital to provide a 20-foot set-back, and the hospital was again resisting. She believed that the hospital could provide a set-back if it wanted to without endangering the Federal grant; and, since the hospital will be using Federal funds to construct the new facilities, she felt that she, as a taxpayer, had a right to request that the set-back be provided.

Mr. Costa acknowledged that citizens have a right to require amenities when Federal funds are being used for construction projects; and, as a former planning commissioner in another community, he stated that he did have an appreciation for the value of open space. However, from an architectural point of view, he felt that the proposed set-back would not be appropriate given the urban setting of the site. Furthermore, it would be impossible to make the necessary changes in the plans in time to meet the Federal deadline. While he agreed with Commissioner Bierman that something will obviously be constructed on the site in the future, the hospital would not be able to provide the community with the proposed outpatient facility if a requirement were established for a first floor set-back. He stated that the hospital would accept the conditions which had been recommended by the staff of the Department of City Planning; and he urged the Commission to adopt the draft resolution as presented by the staff.

Wray Jacobs, representing Hospital & Institutional Workers Union, Local 250, remarked on the fact that the draft resolution which had been prepared by the staff of the Department of City Planning noted that the hospital intended to more effectively serve the community's minority groups through such programs as affirmative action in staffing and construction contract. He advised the Commission that his union represents most of the people who work for the hospital; and he emphasized that affirmative action is written into their contract with the hospital. He believed that the past performance of his union in that regard was noteworthy; and he indicated that he could absolutely guarantee to the Commission that affirmative action would be maintained. He stated that more than 50% of the employees at the hospital are non-managerial; and the majority of these positions are held by minority people. With regard to the issue of the deadline

for Federal funds, he stated that he had spoken with Congressman Burton about Hill-Burton commitments and procedures; and he had been advised that it would be almost impossible for St. Francis Hospital to obtain an extension beyond the May 17 deadline. While he acknowledged that more open space would be desirable, he emphasized that the City also needs additional jobs; and for that reason, his union wholeheartedly supported the hospital's proposal.

Mark Forrester, Executive Director of the North of Market Seniors Organization, stated that he felt that Mr. Der had prepared a good memorandum on behalf of the 13 organization coalition; and he was of the opinion that the Board of Trustees of the hospital, or at least the administrative staff of the hospital, should have dealt with the suggestions made in that memorandum. While the coalition was not asking the Commission to disapprove the application, he observed that the Commission might decide that that is what should happen. He agreed with Commissioner Bierman that the proposed facility will be built at some point in the future; and he shared the point of view expressed by Commissioner Starbuck at the Commission's last meeting to the effect that hospital facility planning in San Francisco has been atrocious. His recommendation was that the conditional use authorization should be granted subject to the conditions which had been recommended by the staff and subject to additional conditions requiring provision of a 10- or 20-foot set-back, participation of representatives from the Mayor's Office in advisory committee discussions, and consideration by the hospital of the issues raised in Mr. Der's memorandum.

Alan Wong, Executive Director of Self Help for the Elderly, remarked that the hospital's memoranda of April 19 and 21 and the coalition's memorandum of April 28 had resulted from a series of meetings which had been held between neighborhood organizations and the hospital since March; and he urged that the policies and programs contained in the three memoranda be incorporated into the Commission's resolution as conditions so that the coalition could have firmer assurance that the hospital will do what it has said it will do.

David Low, representing Stephen Fong, President of the Board of Directors of Chinese Hospital, advised the Commission that members of their board had met with members of the Board of St. Francis Memorial Hospital on Tuesday evening and had made certain specific requests of that board. The Board of Trustees of St. Francis Memorial Hospital had prepared a letter agreeing to those stipulation; and, after further discussion and "soul-searching", the Board of Directors of Chinese Hospital had decided not to oppose the conditional use application. However, he requested that the Commission establish a condition requiring that St. Francis Memorial Hospital carry out the promises which it had made to the members of his board. He advised the Commission that the Board of Directors of Chinese Hospital supported the request which had been made by the coalition of neighborhood organizations; however, being mindful of St. Francis Hospital's financing problems, they did not feel that they should stand in the way of the proposed out-patient clinic.

Commissioner Finn asked Mr. Low if he felt that the language in Condition No. 4 of the draft resolution which had been prepared by the staff of the Department of City Planning would satisfy the concerns of his board. Mr. Low replied in the affirmative.

President Lau asked if the boards of St. Francis Hospital and Chinese Hospital had established a schedule of meetings to be held in the future. Mr. Low replied that a meeting has been scheduled on May 4; and it was his understanding that meetings would subsequently be held on a continuing basis.

Mr. Jack M. Wu, representing the National Chinese Welfare Council, read the following prepared statement:

"Professionally, I am Vice President of one of the major investment firms. I work and live in San Francisco.

"We, the National Chinese Welfare Council, would have appeared earlier to speak about the proposed St. Francis Hospital addition but, unfortunately all of the officers of the Council were in Washington, D.C. for a national conference.

"The priorities that we feel are important are first: to have available to our community the best health care facilities; and second: the future of Chinese Hospital.

"Chinese Hospital's new outpatient clinic is so structured, financially that, if it failed, it would become a financial drain on Chinese Hospital and would lead to bankruptcy.

"As you know, Chinese Hospital has for over 50 years performed the vital function of providing health care for the Chinese community.

"What guarantee is there that, if St. Francis Hospital proceeds immediately with a \$12 million expansion, it would not result in the bankruptcy of Chinese Hospital?

"We feel that the St. Francis expansion would definitely hurt Chinese Hospital because of the financial strength of St. Francis Hospital and the proximity of the two hospitals.

"There should be a delay in approving the St. Francis expansion until such time, such as three years, as the Chinese Hospital's outpatient clinic gets on its feet. It is scheduled to open early next year. St. Francis Hospital could help to establish the clinic with its technical expertise, and speed this process.

"I understand that St. Francis Hospital is concerned that delay in approving the project would jeopardize a 2 million dollar Federal grant and \$9 million in private funds committed to the project.

"Commissioner Susan Bierman was quoted in the San Francisco Examiner last week as saying "I don't have to be on this Commission if we are going to be blackmailed every week." She was referring to complaints that project have to be approved immediately or jobs and money will be lost. This is not necessarily true. A hasty decision will do more harm than good.

"The loss of a 2 million dollar Federal grant by an institution of that size is not as catastrophic as the possible bankruptcy of Chinese Hospital.

"As far as the nine million dollars in private funding, I am sure that if St. Francis Hospital has the capability to raise it now, they will be able to raise it again at some time in the future.

"In conclusion, our proposal calls for St. Francis Hospital to postpone its expansion. With the technical assistance of St. Francis Hospital, Chinese Hospital will be able to get its new outpatient clinic off the ground. At that time, St. Francis Hospital should go on with its expansion."

Commissioner Mellon asked Mr. Wu if he is associated with Chinese Hospital. Mr. Wu replied in the negative.

Lincoln Yee, representing the Chinese Chamber of Commerce, stated that his organization was a founding member of Chinese Hospital and felt a responsibility for protecting it. He advised the Commission that Chinese Hospital had felt the impact of St. Francis Hospital ever since St. Francis completed its new hospital building 10 years ago; and although the board of St. Francis had written the Board of Trustees of Chinese Hospital a letter expressing their willingness to cooperate, he believed that such cooperation would occur only under pressure applied by the City Planning Commission. He remarked that the letter is not a contract; and he believed it had been written only to help in obtaining approval of the conditional use application by the Commission. He urged the Commission to consider postponing action on the conditional use application until St. Francis Hospital submits its promises to Chinese Hospital in the form of a legal document; or, if the Commission wished to proceed with the approval of the application, he urged that a condition be included in the Commission's resolution requiring St. Francis Hospital to continue to cooperate with Chinese Hospital. He advised the Commission that the Board of Directors of Chinese Hospital had been alarmed about St. Francis Hospital's expansion program for quite some time; and he believed that the new facilities at St. Francis Hospital would drive Chinese Hospital out of business unless the two hospitals work together in the future.

Mr. Clarke acknowledged that Commissioner Bierman had been consistent in requesting that a set-back be provided since last February. However, he noted that a building had existed on the subject site for a number of years which was built to the property line; and, to the best of his knowledge, St. Francis' hospital building is the only building in the area which provides a set-back. Furthermore, the staff of the Department of City Planning had not objected to the lack of a set-back in the plans for the proposed building. In the initial master plan which had been prepared by St. Francis Hospital, a proposal had been made for development of a park on top of a parking garage; but that plan had been dropped so that the hospital could preserve 52 apartment units. He remarked that he knew of no other hospital in San Francisco which has recently provided 52 units of low- and moderate-income housing; and he indicated that he would personally be upset if the Commission failed to give St. Francis Hospital credit for making that contribution.

Commissioner Bierman stated that she appreciated St. Francis Hospital's willingness to preserve 52 dwelling units; however, she still did not understand why the hospital's financing would be jeopardized if the Commission were to approve the conditional use application with a requirement for a 20-foot set-back.

President Lau asked Mr. Der if he was satisfied that St. Francis Hospital had dealt with him in reasonably good faith.

Mr. Der stated that he had to reply in the negative. He remarked that the coalition had really tried to achieve some tangible results during the past week; and he felt that their requests had been quite reasonable. Under the circumstances, he did not understand why St. Francis Hospital had been unwilling to consider the April 28 memorandum which he had prepared for the coalition; and he asked the Commission to incorporate the policies enumerated in that memorandum in its own resolution.

President Lau stated that he felt that St. Francis Hospital has a moral obligation to address the issues which had been raised by the coalition; but he did not feel that the Commission could legally bind the hospital to implement the policies contained in Mr. Der's memorandum.

Mr. Steele stated that he agreed with the comments which had been made by President Lau. He noted that the letter which had been sent by the Board of Trustees of St. Francis Hospital to the Board of Directors of Chinese Hospital was on file in the Department of City Planning; and if St. Francis Hospital does not respond to the suggestions made in that letter, he felt that it would be appropriate for the Commission to take that fact into consideration when it is considering Phase II of St. Francis Hospital's expansion project. Furthermore, St. Francis Hospital had indicated that it would be willing to work with other community organizations; and he felt that the Commission could expect the hospital to proceed in good faith with that commitment if the hospital expects Phase II of the expansion program to be approved.

When the question was called, Commissioner Bierman's motion failed by a vote of 2 to 5. Commissioners Bierman and Starbuck voted "aye"; Commissioners Dearman, Finn, Lau, Mellon, and Rosenblatt voted "no". President Lau stated that he had voted against the motion only because he believed the statements which had been made by Mr. Clarke and Mr. Costa to the effect that Federal funds for the project would be lost if a 20-foot set-back were to be required at this point in time.

Subsequently, it was moved by Commissioner Mellon and seconded by Commissioner Finn that the draft resolution, as recommended by the staff of the Department of City Planning, be adopted. Commissioner Finn remarked that St. Francis Hospital is a non-profit, tax-free institution which has accepted Federal funds; and he felt that the hospital must change its ways and become more responsive to the concerns of the public and other organizations in the community. Therefore, he suggested that the hospital give serious consideration to the demands which had been made by the coalition of community groups; and he indicated that he would feel a moral obligation to vote for disapproval of Phase II of the hospital's expansion program if it has not cooperated with other community organizations in good faith during the interim.

Mr. Wong requested that language be added to the draft resolution which would assure the coalition that St. Francis Hospital would in fact continue to meet with them in good faith. Mr. Finn asked Mr. Wong to explain why he did not feel that Condition No. 4 of the draft resolution as recommended by the staff would be satisfactory. Mr. Wong replied that no sanction could be applied to enforce Condition No. 4 of the draft resolution until Phase II of the hospital's expansion

program is proposed; and he indicated that the coalition wished to have more immediate assurances that the hospital will follow through on its promises.

Mr. Der emphasized that no agreement or memorandum of understanding had been reached concerning the April 28 memorandum which he had prepared for the coalition; and he urged that the policies included in that memorandum be incorporated in the resolved clause of the Commission's resolution.

Commissioner Mellon stated that he had no objection to having the April 28 memorandum included in the Department of City Planning's files as a matter of record; but to incorporate those policies into the Commission's resolutions would be placing the Commission in a position of negotiating the coalition's demands with the hospital.

President Lau observed that the Commission would expect St. Francis Hospital to respond to the April 28 memorandum in any case; and if the hospital does not continue to meet in good faith with community organizations, he believed that the hospital would not have a great deal of credibility with the Commission when the hospital wishes to go forward with Phase II of the expansion project in 4 or 5 years.

Commissioner Dearman moved that a sixth condition be added to the draft resolution which would require the Board of Trustees of St. Francis Hospital to respond to the April 28 memorandum and to reach an understanding with the coalition of community groups. The motion was seconded by Commissioner Finn.

Mr. Clarke stated that he felt that the language proposed by Commissioner Dearman would require the hospital to reach an agreement with the coalition. Commissioner Mellon suggested that the language might be modified to specify that the hospital should make every effort to reach an understanding with the coalition. He remarked that there was no way for the Commission to know how reasonably the parties on either side of the issue would conduct themselves; and, in that regard, he noted that the City strike has already lasted for one month. He further stated that he doubted that the hospital would be able to agree to every single item in the coalition's memorandum dated April 28.

Commissioners Dearman and Finn agreed to amend their motion and second as suggested by Commissioner Mellon.

Mr. Der requested that the condition specify a time limit, such as two weeks or one month, within which the agreement should be reached. Otherwise, he felt that the discussions might drag on for four or five years.

Commissioner Dearman asked when construction would begin on the proposed project. Mr. Clarke stated that construction is scheduled to begin in July. He remarked that the condition which had been recommended by the staff of the Department of City Planning concerning public participation had been related to Phase II of the project; and, if the condition which was presently being considered were to apply to Phase I of the project, he felt that it might jeopardize the funding for the project. He stated that he had no objection to reaching an agreement with the coalition by a certain date; but he did not believe that Phase I of the expansion project should be tied to such a condition.

Commissioner Rosenblatt stated that the clear intent of the language being proposed by the Commission was that the hospital should immediately begin to meet with the coalition in good faith in an effort to reach an agreement on issues of concern to the coalition; and if that agreement should be postponed until just a few months prior to the time that Phase II of the expansion project is proposed, he felt that the Commission would not regard that as an example of a good faith effort on the part of the hospital.

Mr. Steele felt that the concerns being discussed could be covered by Condition No. 4 of the draft resolution which had been recommended by the staff. He noted that that condition would require the hospital to meet at least twice a year and to report to the Commission at least once a year on the context of those discussions and the actions resulting from them; and he remarked that the number of meetings could be increased.

Commissioner Dearman stated that she did not understand why the hospital would be unwilling to meet with members of the coalition in good faith.

Mr. Clarke stated that the hospital had already agreed to meet with the coalition; but he did not feel that Phase I of the expansion project should be made conditional upon an agreement being reached between the two parties.

President Lau felt that it would not be unreasonable for the Commission to request the Board of Trustees of St. Francis Hospital to meet in good faith with the community organizations in an effort to reach an agreement on what can be done to provide better health care. However, if the condition being considered by the Commission should prove to be a hindrance to the hospital in obtaining its financing, the hospital could always return to the Commission and ask that it be stricken from the resolution.

Commissioner Finn stated that he was concerned that the additional condition as worded, might be construed to imply that an agreement must be reached before Phase I of the expansion program can proceed.

Mr. Steele stated that he, also, was concerned about that possibility. He stated that he would feel more comfortable if reference were made to the April 28 memorandum from the coalition in the whereas clauses of the resolution; and it would then be clear that Condition No. 4 of the draft resolution would require discussion of that document.

Commissioner Finn then withdrew his second of the motion and offered an alternate motion to the effect that a sixth condition should be included in the draft resolution which would require the Board of Trustees of St. Francis Memorial Hospital to transmit to the City Planning Commission in writing a commitment that they will meet with the coalition of 13 community groups and that they will make every effort to reach an understanding on the issues raised in the coalition's memorandum of April 28. The motion was seconded by Commissioner Mellon.

Mr. Clarke stated that the proposed condition would be acceptable.

Gustav Knecht, President of the Board of Trustees of St. Francis Memorial Hospital, stated that the lack of trust in the hospital evidenced by members of the community had considerably lessened his enthusiasm for the proposed project.

Commissioner Rosenblatt observed that the Board of Trustees of St. Francis Memorial Hospital could exercise its own discretion as to whether it wishes to provide the letter being requested by the Commission.

Mr. Knecht asked if the Commission was asking the Board of Trustees to accept the demands which had been made by the coalition. Commissioner Rosenblatt replied in the negative, indicating that the Commission would merely be requesting a letter from the board stating that the board will discuss the issues raised in the memorandum of April 28 in good faith with the coalition and will do its best to arrive at a reasonable understanding.

When the question was called, the Commission voted unanimously to amend the draft resolution by adding the sixth condition which had been recommended by Commissioner Finn.

When the question was called on the main motion, the Commission voted 5 to 2 to adopt the revised draft resolution as City Planning Resolution No. 7488. Commissioners Dearman, Finn, Lau, Mellon and Rosenblatt voted "aye"; Commissioners Bierman and Starbuck voted "no".

President Lau remarked that the Commission had held several long hearings on this matter during which community representatives had stated that they did not oppose the expansion project; and even Chinese Hospital, which has problems, had indicated that it would not be opposed to the project. Yet, because community organizations did wish to work closely with St. Francis Hospital, the Commission had made every effort to encourage the concerned parties to work together; and he hoped that they would continue to do so.

The meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SUMMARY AND MINUTES
OF THE
SAN FRANCISCO
CITY PLANNING COMMISSION
SPECIAL MEETING
TUESDAY
MAY 4, 1976
100 LARKIN STREET
2:00 P.M.

The City Planning Commission met pursuant to notice on Tuesday, May 4, 1976 at 2:00 p.m. in the meeting room at 100 Larkin.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: James J. Finn, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; Selina Bendix, Environmental Review Officer; Douglas Holmen, Planner II; Barbara Sahn, Ecological Consultant; and Lynn E. Pio, Secretary.

Dan Borsuk represented the San Francisco Progress.

EE75.123 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR ISLAIS CREEK - SOUTHSIDE OUTFALLS CONSOLIDATION, SAN FRANCISCO WASTEWATER MANAGEMENT MASTER PLAN, IMPLEMENTATION PROGRAM VI.

Vice President Rosenblatt, assuming the chair in the absence of President Lau, indicated that the Commission would conduct a public hearing on this matter but would postpone action on certification of the completeness of the Draft Environmental Impact Report until comments are received from the State Clearinghouse.

Selina Bendix, Environmental Review Officer, presented and summarized the Draft Environmental Impact Report and responded to questions raised by members of the Commission.

The Commission then received and responded to comments made by Murray Cole, owner of property in the subject neighborhood; Donald Birrer, representing the Bureau of Sanitary Engineering in the Department of Public Works; Victor Johnson, owner of property located at 1620 Davidson Street; Wallace E. Stokes, author of the preliminary draft of the Environmental Impact Report; and Mike Garza, a concerned member of the public.

MAY 4, 1976

After further discussion, it was moved by Commissioner Dearman, seconded by Commission Bierman, and carried unanimously that the public hearing be closed and this matter be taken under advisement until comments have been received from the State Clearinghouse.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

At 3:10 p.m. the Commission recessed into Executive Session. President Lau, who had been absent for the first portion of the meeting, arrived and participated in the Executive Session.

EXECUTIVE SESSION

The Commission met in Executive Session to consider the selection of a new Director of Planning.

The meeting was adjourned at 5:00 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, May 6, 1976.

The City Planning Commission met pursuant to notice on Thursday, May 6, 1976, at 1:30 P.M. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by R. Spencer Steele, Acting Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Selina Bendix, Environmental Review Officer; Wayne Rieke, Planner IV (Zoning); Janis Birkeland, City Planning Coordinator; Wilbert Hardee, Planner III; Robert Feldman, Planner II; Douglas Holmen, Planner II; Paul Rosetter, Planner II; Barbara Sahm, Ecological Consultant; and Lynn E. Pio, Secretary.

CURRENT MATTERS

George A. Williams, Assistant Director-Plans and Programs, noted that the Commission had adopted two resolutions on April 29 which authorized the Acting Director of Planning to enter into contracts with Williams-Kuebelbeck & Associates, Inc. and Gruen & Gruen Associates to assist in projects being undertaken by the staff of the Department of City Planning. When those resolutions were adopted, the amount of funds to be allocated to each of the consultants was undetermined and therefore was unmentioned in the resolutions. The Controller had requested that the Commission's resolutions establish a maximum amount for the contracts; and, as a result, he had prepared two new draft resolutions which would indicate that each of the contracts would not exceed \$7,500. He recommended that the draft resolutions be adopted by the Commission.

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Mellon, and carried unanimously that Resolution No. 7489 be adopted to modify Resolution No. 7484 and to authorize the Acting Director of Planning to enter into a contract in an amount not to exceed \$7,500 with Williams-Kuebelbeck & Associates, Inc. to assist in Northern Waterfront planning.

Subsequently, it was moved by Commissioner Rosenblatt, seconded by Commissioner Mellon, and carried unanimously that Resolution No. 7490 be adopted to modify Resolution No. 7485 and to authorize the Acting Director of Planning to enter into a contract in an amount not to exceed \$7,500 with Gruen & Gruen Associates to assist the Residential Zoning Study.

Mr. Williams remarked that the Commission had adopted Resolution No. 7454 on March 4, 1976, authorizing the Director of Planning to contract for the joint services of three consultant groups for the purpose of conducting a rehabilitation financing study. During the interim, it had been decided that the Director of Planning should execute one prime contract with Booz, Allen and Hamilton, Inc. and that that firm should sub-contract with other firms for the work. He distributed copies of a draft resolution which had been prepared to authorize the Director of Planning to enter into a prime contract with Booz, Allen & Hamilton, Inc.; and he recommended that it be adopted by the Commission.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7491 be adopted to modify Resolution No. 7454 and authorize the Director of Planning to enter into a contract in the amount of \$50,000 with Booz, Allen & Hamilton, Inc. for the purpose of conducting a rehabilitation financing study.

R. Spencer Steele, Acting Director of Planning, indicated that the Commission had received a letter from Peter C. Hodgson, 1818 Bush Street, requesting the Commission to conduct a Discretionary Review of any permit filed for a restaurant or any other business on property located at the northwest corner of Bush and Octavia Streets. Mr. Steele stated that a restaurant has been proposed for that site; and, while the staff of the Department of City Planning had already approved a building permit for conversion of the building, an application for a Department of Public Health Permit had been referred to the Department of City Planning for review. Mr. Steele stated that he could recall no prior instance when the City Planning Commission had conducted Discretionary Review of an application for a Department of Health permit; and he noted that the Department of Public Health conducts its own hearings prior to issuing permits.

Wayne Rieke, Planner IV (Zoning), read the following paragraphs from the letter which had been addressed to the Commission by Mr. Hodgson:

"My primary concern is the impact commercial uses on this corner will have on an already very tight parking situation. Typically, when all residential units on the block are occupied (eight are being remodeled and therefore vacant), it is necessary to walk two to three blocks to park during the day time. The situation improves in the evening. There are approximately 20 automobiles owned by people currently living on Bush Street between Laguna and Octavia, for which there are no garages. After 5:00, one to three parking spaces may come available

at any given time, in the immediate area. But there is already stiff competition for these vacancies by residents and current transient users. It is not uncommon for us to park two blocks from our house. Any commercial use such as a restaurant, which will disrupt parking beyond normal business hours, will create greater competition for these spaces, which will create a real hardship for area residents.

"Certainly a restaurant of the type invisioned will draw clientel from beyond the immediate neighborhood. These people will doubtlessly drive and must park somewhere. The availability of parking around the corner in the Cathedral Hill Medical Center lot will not prevent restaurant patrons from parking on the street, rather, it will simply take the overload when there are no street side parking spaces."

Commissioner Mellon asked why the application for the Department of Public Health permit had been referred to the Department of City Planning. Mr. Rieke replied that such applications are routinely referred to the Department of City Planning for determination as to whether the use being proposed is consistent with the zoning of the property.

Commissioner Mellon then inquired about the nature of the use which previously existed in the building. Mr. Rieke replied that the building had most recently been used as a laundry; however, the building may have been used as a drug store in the past.

Commissioner Dearman asked if the proposed restaurant would serve alcoholic beverages. After Mr. Rieke had replied that he believed that the restaurant intended to serve beer and wine, Commissioner Dearman pointed out that there is a school in the same block as the subject property; and she asked if it is customary for liquor licenses to be granted to businesses which are located so near to a school. Mr. Rieke stated that such decisions are made by the State Alcoholic Beverage Commission.

Mr. Steele stated that it was questionable whether the Commission could exercise its discretionary review authority over an application for a Department of Public Health permit; and he recommended that the request for Discretionary Review be denied. He stated that a public hearing will be held by the Department of Public Works before it issues the permit; and, if the permit is issued, an appeal could be made to the Board of Permit Appeals. In conclusion, he emphasized that the staff had already approved the building permit application for alteration of the building; and he noted that the staff's approval of that permit had not been appealed.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Mellon, and carried unanimously that the request for Discretionary Review of the Department of Public Health permit for a restaurant at the northeast corner of Bush and Octavia Streets be denied.

DR76.6 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 456268 FOR A GLENDALE FEDERAL SAVINGS BUILDING AT THE SOUTHEAST CORNER OF JUNIPERO SERRA BOULEVARD AND OCEAN AVENUE; IN A C-2 DISTRICT.
(Under Advisement from Meeting of March 25, 1976.)

Janis Birkeland, City Planning Coordinator, stated that this matter had been taken under advisement from the Commission's meeting of March 25, 1976. At that time, the Commission had directed the architects for Glendale Federal Savings and Loan to meet with neighborhood representatives and staff of the Department of City Planning to resolve matters of concern which had been raised by Community groups. Originally, a three-story building had been proposed; and representatives of several community groups had requested that: 1) the proposed structure be set back further from Junipero Serra Boulevard; 2) the amount of parking be increased; and 3) the facade be redesigned to be architecturally compatible with the surrounding area. During the interim, the architect for Glendale Federal Savings and Loan had prepared new schematic plans reducing the building one-story in height and providing a set-back along Junipero Serra Boulevard. Those changes had met with the approval of the community groups concerned. Some community organizations were still concerned about the amount of parking being provided on the site; but the staff of the Department of City Planning continued to be of the opinion that the amount of parking proposed would be adequate.

Oscar Fisher, representing the West of Twin Peaks Central Council, stated that representatives of community groups had met with the applicants on two occasions since the Commission's meeting of March 25; and he felt that those meetings had been very profitable. However, community representatives still continued to be concerned about the possibility that the amount of off-street parking being proposed might be insufficient. The Ingleside District has become a parking lot for students attending San Francisco State University; Merced Manor has experienced parking problems because of the proximity of Stonestown; and Lakeshore Park has had to accommodate students and facility members from Lowell High School. Under the circumstances; those neighborhoods tended to be somewhat "skittish" regarding the issue of parking. Therefore, they had taken the position that additional parking should be provided on the subject site, if possible. If it would not be possible to provide additional parking spaces on the site, they would accept the project as proposed. He indicated that he had

monitored the use of parking spaces at the Crocker Bank in the West Portal district; and he acknowledged that he had never found all of the spaces at that facility filled even though that facility has fewer spaces than Glendale Federal Savings proposed to provide. Mr. Fisher stated that the revised plans had softened the facade of the building considerably; but he felt that the building could still be made more palatable. The rendering which had been prepared of the project had depicted full grown trees; and when he had asked the applicants about the size of the trees which would actually be installed on the site, he had been advised that their intention was to provide trees which would be as nearly full-grown as possible. In conclusion, he stated that the revised plans were basically acceptable to the community groups which he represented.

Commissioner Starbuck complimented the applicants for their willingness to make substantial changes in their plans to satisfy community groups; and he remarked that he was convinced that the amenities which would be provided on the site would pay off in the long run by winning the good will of the community for Glendale Federal Savings and Loan.

R. Spencer Steele, Acting Director of Planning, recommended that the revised plans be approved subject to eight specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Mr. Fisher stated that the possibility of providing a community meeting room in the proposed facility had been discussed. He had taken the position that such a meeting room was not really necessary from the point of view of neighborhood organizations; however, he had no objection if Glendale Federal Savings and Loan wished to include such a room for its own purposes.

President Lau observed that nothing in the draft resolution would prevent Glendale Federal Savings and Loan from including such a room in the building.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7492 and that Building Application No. 456268 be approved subject to the conditions contained in the draft resolution.

R76.5 - AMENDMENTS TO REDEVELOPMENT PLAN FOR WESTERN ADDITION
AREA A-2.

(Postponed from Meeting of April 29, 1976.)

Wilbert Hardee, Planner III, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the subject referral has been submitted by the Executive Director of the Redevelopment Agency for review as to conformity with the Master Plan.

"An environmental evaluation has been conducted pursuant to the California Environmental Quality Act, and a negative declaration was issued on April 16, 1976.

"The proposal is for a plan amendment involving modifications to the land-use map of the Western Addition A-2 Redevelopment Plan. The eight modifications requested would allow more commercial use along Fillmore and Divisadero Streets.

"All areas involved in these changes consist of unoccupied land, except for two sites. On Sutter, between Webster and Steiner, six Victorians are proposed for renovation, with commercial uses on the ground floor and residential uses on the upper floors. At Fillmore and Golden Gate a structure already has commercial on the bottom floor with residential at upper levels. The proposed modification would bring the existing land-use into conformity with zoning regulations.

"In one case the zoning map would be inconsistent with the proposed Redevelopment Plan amendment. At Fillmore and Fulton Streets, approximately 9,000 square feet of property in an R-3 zoned area would be converted to residential-commercial use. For this inconsistency to be removed, either a zoning reclassification or a planned unit development would be required.

"The revised Residence Element of the Master Plan, adopted by the Planning Commission on December 11, 1975, encourages the development of residential uses above commercial uses as noted in Objective 11, policy 1 (3). In addition, Objective 3, Policy 2 of the Element allows for small-scale non-residential activities in residential areas where they contribute to neighborhood livability. The addition of more commercial uses along Fillmore would add to the diversity of uses and provide convenience shopping for residents in a potential neighborhood shopping district. The amendments also have the potential to provide needed housing in the area, due to the fact that mixed-use development may be more attractive to the developers."

Arnold Townsend, Executive Director of WAPAC, spoke in favor of the proposed amendments to the Redevelopment Plan. He stated that his organization had hoped that Fillmore Street would be commercially developed up to the Japanese Cultural and Trade Center; and he felt that residential zoning of properties on Fillmore Street was an oversight.

No one else was present to address the Commission on this matter.

R. Spencer Steele, Acting Director of Planning, recommended that the proposed amendments to the Redevelopment Plan be approved as in conformity with the Master Plan.

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Bierman, and carried unanimously that the Director be authorized to report that the proposed amendments to the Western Addition A-2 Redevelopment Plan would be in conformity with the Master Plan.

EE75.122 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR CHANNEL OUTFALLS CONSOLIDATION, SAN FRANCISCO WASTEWATER MANAGEMENT MASTER PLAN, IMPLEMENTATION PROJECT VII.

Douglas Holmen, Planner II, summarized the Draft Environmental Impact Report and responded to questions raised by members of the Commission.

The Commission then received and responded to comments made by members of the audience including Robert Swanstrom, representing the Bureau of Sanitary Engineering in the Department of Public Works; Larry Weiner, representing the Delancey Street Foundation, which operates a warehouse at 141 King Street; Vitale Tyron, representing the Bureau of Sanitary of Engineering and the Department of Public Works; Trenton Brown, representing a trucking operation based at 135 King Street; Robert Heller, representing the State Terminal Company, Ltd. of 128 King Street; and Mary Burns, representing the Mayor's Office.

Selina Bendix, Environmental Review Officer, recommended that the public hearing be closed and that this matter be taken under advisement for one week so that written responses could be prepared to the comments which had been received.

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Mellon, and carried unanimously that the public hearing be closed and that this matter be taken under advisement to the meeting of May 13, 1976.

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription. A court recorder was also present and will prepare a transcript which will be available in the files of the Department of City Planning.

Commissioner Rosenblatt, noting that businessmen have appeared before the Commission recently expressing concern about the impact which construction of sewage facilities will have on their businesses, suggested that the staff should prepare a brief written document which would be available to businessmen advising them of the review process in City Hall and indicating individuals in the Department of Public Works who will be able to work with them to resolve problems which might be caused by the sewer construction program.

EE75.123 - CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT FOR ISLAIS CREEK SOUTH SIDE OUTFALLS CONSOLIDATION, SAN FRANCISCO WASTEWATER MANAGEMENT MASTER PLAN, IMPLEMENTATION PROJECT VI.

Selina Bendix, Environmental Review Officer, distributed and summarized the summary of public responses received on the Draft Environmental Impact Report and the staff responses to the comments.

R. Spencer Steele, Acting Director of Planning, recommended the adoption of a draft resolution which contained the following resolves

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report, dated May 6, 1976, concerning EE75.123: San Francisco Wastewater Management Master Plan, Implementation Program VI, Islais Creek South Side Outfalls Consolidation, is adequate, accurate and objective, and does hereby CERTIFY THE COMPLETION of said Report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said Report does hereby find that the project as proposed will not have a significant effect on the environment."

It was then moved by Commissioner Finn, seconded by Commissioner Starbuck, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7493.

ZM75.11 - THE PROPERTY TO THE WEST OF RICKARD STREET AND TO THE REAR OF THE PARCELS FROM 142 TO 198 GAVEN STREET, APPROXIMATELY 2½ ACRES OF VACANT LAND.
M-1 to an R-1 OR OTHER APPROPRIATE DISTRICT.
(Postponed from Meeting of April 1, 1976.)

Wayne Rieke, Planner IV (Zoning), referred to land use and zoning maps to describe the subject property which is an irregularly shaped site approximately 98,000 square feet or 2½ acres in area and having a 60 foot frontage of Rickard Street. The property is zoned M-1 and is subject to a 40-X height and bulk limit. The property, which is owned by the San Francisco Housing Authority, is vacant. On May 1, 1975, the City Planning Commission had heard and disapproved an application to reclassify the subject property and adjacent properties to C-M in order to allow development of mini-warehouses. The Commission had subsequently initiated the application presently under consideration. Residents of the neighborhood wished for the property to be used as a playground. However, it would appear that the property would have very low priority for money from the Open Space Acquisition and Development Fund. Furthermore, given the fact the noise level on the property exceeds 65 decibels, it was doubtful if the property would be suitable for residential or park use. It was also possible that the soil on the property may be contaminated with lead from automobile exhaust; but the Department of Public Health had not actually made tests for lead contamination on the site.

Robert Feldman, Planner II, stated that he had spoken with Robert Kenealey of the City Attorney's office about the subject application. Mr. Kenealey had advised him that the City Planning Commission does not have jurisdiction over most of the properties owned by the Housing Authority; but it does have jurisdiction over the subject site. With regard to the possibility of re-zoning the property to "P" for public use, Mr. Kenealey had stated that such zoning might not permit reasonable use of the property by the Housing Authority; and, if so, the City would have to reimburse the Housing Authority for the value of the property.

Jack Beggs, 885 Girard Street, represented residents of the subject neighborhood. He stated that the neighborhood north of Silver Avenue has an extremely dense population; and, even though the staff of the Department of City Planning might feel that use of the subject property as a park would be inappropriate, the fact is that the property is being used as a playground already. He remarked that automobile noise from the freeways does not bother the children who play on the property; and, in fact, the traffic noise tends to muffle the noise made by the children. However, since the property has not been officially designated as recreation space, the children who play on it have no supervision also, the

property is being used as a dumping ground. Under the circumstances, residents of the neighborhood hoped that the property could be re-zoned to a "P" district with the ultimate purpose being to the land as a park. When the Housing Authority had wished to sell the property last year, the fair market value of the property had been estimated at \$225,000. However, he understood that no money had changed hands when the Housing Authority had acquired the property; and, since the Housing Authority is a non-profit organization, he did not feel that it should be necessary for the Authority to realize a profit from sale of the property.

Commissioner Mellon remarked that it seemed to him that the property would be somewhat small for a park. Mr. Beggs replied that residents of the neighborhood hoped that the park could be expanded northward onto property under the freeway which is owned by the State. He remarked that most of the property had been part of a street before the freeway was constructed; and, therefore, using the property for park purposes would not remove anything from the tax rolls.

Commissioner Mellon then asked if he were correct in his understanding that the convenient location of the property would render it desirable for recreational use even though other aspects of the site are not desirable. Mr. Beggs replied in the affirmative, indicating that recreational space is needed and, since the Housing Authority has no plans for the property other than to sell it for a profit, designation of the land for park use would not affect the operation of the Authority.

Commissioner Starbuck asked if residents of the neighborhood had evaluated the desirability of R-1 zoning for the subject property. Mr. Beggs replied that residents of the neighborhood would prefer to have the property rezoned to "P". In any case, he was not aware of any offer having been made for purchase of the property for R-1 use.

Commissioner Mellon inquired about the location of the nearest existing playground in the neighborhood. Mr. Beggs replied that the nearest recreational facility is at Portola Playground south of Silver Avenue; and he remarked that that playground is used by older boys and girls for baseball games.

Roy Swanson, an employee of the San Francisco Montessori School which is located immediately west of the subject property, stated that he supervises a day-care program for 25 to 30 children between the hours of 3:00 p.m. and 6:00 p.m. He stated that he works outside and indicated that he had experienced no problems with the sound level. In fact, the traffic noise in some respects resembles the sound of the ocean. He stated that his school is located at the

same level as the freeway whereas the subject property is somewhat below the freeway; and, as a result, he believed that the noise level would be considerably less on the subject site than at the Montessori School. He stated that the children which he supervises range in age from 6 to 11 years; and he indicated that those children are often joined by other children of approximately the same age group who live in the neighborhood. Sometimes, as many as 40 or 50 children are playing in the school yard. Since the subject property is located beneath a freeway, he felt that it would be an inappropriate location for housing of any type; and, if the property were to be used for housing, he expected that the housing would be low-income housing designed for families with children; and additional children would further burden the facilities which exist in the neighborhood. He emphasized that additional recreational space is needed; and he urged that the subject property be zoned for public use.

Al Larkin, 2820 San Bruno Avenue, read and submitted a letter which had been addressed to the Commission by Sherrill Basson, Chairperson of the Hillcrest Neighborhood Association, as follows:

"We, the Hillcrest Neighborhood Association want your cooperation in the matter before you May 6, 1976, the re-zoning of the Rickard Street Property. This land is presently owned by the Housing Authority and zoned M-1 for light industrial use. Two things are happening with this land now, it is used by our neighborhood children for play, and the land is lying idle with exception of dumping. The Community has a two year history of requesting this land for park use. We now ask you to zone the Rickard Street Property -- 'P' for public use."

Mr. Larkin stated that 400 children live in the area between Simpson College and San Bruno Avenue north of Silver Avenue and south of the freeway. Portola Playground is used by older children; and it would be extremely dangerous for younger children from the subject neighborhood to use that playground because they would have to cross Silver Avenue which does not have very many traffic signals. He stated that 95 accidents involving pedestrians had taken place on Silver Avenue during the past year; and 12 accidents had occurred in the two blocks north of the Portola Playground.

Evert Heynneman, representing the San Francisco Housing Authority, stated that the Authority had purchased the subject property from a private individual for a particular purpose; however, since the planned use of the property had not occurred, the agency wished to proceed with the sale of the property. While the agency was sympathetic to the desires of residents of the neighborhood to

have the property used as a park, the agency will have to retrieve its investment in the property; and he felt that any zoning more restrictive than R-1 would leave the property with no value whatsoever. He indicated that he was prepared to respond to any questions which might be raised by members of the Commission.

Commissioner Finn asked Mr. Heynneman if the Department of Housing and Urban Development would allow the Housing Authority to transfer the property to the Recreation and Park Department at its historic cost rather than at its present fair market value. Mr. Heynneman replied that he did not know the answer to Commissioner Finn's question.

Commissioner Mellon asked about the amount of money which had been paid by the Housing Authority for the property. Mr. Heynneman replied that he did not recall the purchase price; but he indicated that the property had an estimated value of \$225,000 two years ago. In reply to further questions raised by Commissioner Mellon, Mr. Heynneman stated that the Housing Authority had purchased the property in 1968 or 1969 when the freeway was already in existence.

Commissioner Starbuck asked if the Housing Authority had made any effort to market the property. Mr. Heynneman replied that the Authority had found a prospective purchaser last year; but the Commission had refused to grant the change of zone that had been requested at that time. No attempt had been made to find another buyer since the subject application had been initiated by the Commission.

Commissioner Starbuck then asked if Mr. Heynneman anticipated that efforts to sell the property would be increased in the future. Mr. Heynneman replied that it was unlikely that any sale would occur within the next three or four months; however, he indicated that the Housing Authority would have no objection if the Commission wished to conduct a Discretionary Review of any development which might be proposed for the site. He also indicated that he would be willing to explore the possibility of using Community Development or Open Space Acquisition and Development funds for the purchase of the property by the Recreation and Park Department.

Commissioner Starbuck asked if the Housing Authority would be willing to allow the property to be used as a playground during the interim. Mr. Heynneman replied that children are already using the property as a playground; and he stated that the Authority had advised neighborhood organizations that it would be willing to clean up the property if people would stop using it as a dump.

Commissioner Bierman felt that the Housing Authority ought to clean up the property so that children playing on it will not be hurt.

Mr. Swanson stated that the Recorder's office has records on file which indicate that the subject property was transferred from the State to the Housing Authority on a quit-claim deed dated April 7, 1971. No money was exchanged between the two parties.

R. Spencer Steele, Acting Director of Planning, recommended that this matter be taken under advisement until the meeting of July 1 or August 5. He stated that the staff of the Department of City Planning had not yet had an opportunity to determine if the soil on the subject site has been contaminated by gasoline lead poisoning. If the contamination has occurred, the property would clearly be inappropriate for residential use or for a playground. He also felt that the question of whether money was paid for the property when it was acquired by the Housing Authority should be investigated. In the meantime, he felt that the Commission should conduct a Discretionary Review of any potential development which might be proposed for the property since more than one year has elapsed since the application was initiated, making it possible for the property to be developed industrially at the present time. Therefore, he distributed copies of a draft resolution which he had prepared for consideration by the Commission which contained the following resolves:

"THEREFORE BE IT RESOLVED, That the City Planning Commission finds that it is the policy of the Commission that it shall take discretionary review of any building application filed with the Department of City Planning for any construction or use on the subject property, to assure development compatibility with the surrounding area."

It was moved by Commissioner Mellon and seconded by Commissioner Dearman that the draft resolution be adopted and that the subject application be taken under advisement until the meeting of July 1, 1976.

Commissioner Finn stated that he personally felt that the subject property would be unsuitable for anything other than a buffer zone between the freeway and the residential area to the south. However, since residents of the neighborhood felt that the property should be used as a playground, he believed that it would be helpful to know how much money would be required to improve the property for recreational use.

Commissioner Bierman remarked that the subject neighborhood does not have a great deal of open space; and, as a result, she felt that the Open Space Acquisition and Development Fund Advisory Committee might be persuaded to give consideration to acquisition and development of the property as a playground.

Commissioner Starbuck stated that his original inclination had been to rezone the subject property to "P"; however, he felt that adoption of the draft resolution indicating the Commission's intention of conducting a Discretionary Review of any permit application which might be filed for any construction or use on the subject property would give equal leverage to the Housing Authority and residents of the neighborhood until such time as the Commission is prepared to take action on the reclassification application.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7494 and to take the subject application under advisement until the meeting of July 1, 1976.

CU76.11 - NORTH AND WEST SIDES OF CRESTMONT DRIVE, NORTH OF OAKHURST LANE.
REQUEST FOR MODIFICATION OF A PREVIOUSLY APPROVED CONDITIONAL USE AUTHORIZATION (CU62.53) TO ALLOW CONSTRUCTION OF 5 DUPLEX HOUSES INSTEAD OF A 32 UNIT APARTMENT BUILDING, AND TO MODIFY OTHER CONDITIONS OF THE PREVIOUS AUTHORIZATION AS MAY BE APPROPRIATE.

R. Spencer Steele, Acting Director of Planning, stated that he had just learned that morning that the lawsuit between the Homeowners Association representing purchasers of property in the development and the former owner of the property has not yet been finalized. He stated that it had been the practice of the Commission not to take action on any matters which might affect any litigation; and, for that reason, he recommended that the public hearing on this matter be postponed until the meeting of June 3.

It was moved by Commissioner Rosenblatt and seconded by Commissioner Finn that the public hearing on this matter be postponed until the meeting of June 3.

Kay Fields, Chairman of the Board of the Forest Knolls Neighborhood Organization, stated that the only means of access to an egress from the subject property is through the Forest Knolls area; and she stated that the members of her organization were concerned about the limited access to the property for fire department vehicles. She indicated that she had asked the Fire Department to investigate that matter; and she had been advised that a turn-around should be established at the end of Crestmont Drive before any new buildings are constructed in the project.

Commissioner Bierman requested the staff of the Department of City Planning to discuss that issue with representatives of the Fire Department. Wayne Rieke, Planner IV (Zoning), stated that the staff had already sought the advice of the Fire Department.

Jack Doherty, President of the Mt. Sutro Woods Homeowners Association, stated that the subject property was zoned R-1 until 1962 when the City Planning Commission authorized the planned unit development for construction of duplexes and a 32-unit apartment building on the property. The planned unit development authorization contained a requirement for the developer to provide a recreation center for the project; and the Real Estate Commissioner had required the developer to place \$1500 from the sale of each dwelling unit in the project into an escrow fund to be used for construction of the recreation center. However, the money had disappeared; and the recreation center was never built. In 1972 the Homeowners Association had filed a lawsuit to compel the developer to build the recreation center or to reimburse the property owners. The lawsuit is on the verge of being settled. The settlement will involve a cash payment of \$142,000 to the Homeowners Association. A portion of that money will be distributed to individual property owners; and the remainder will be retained by the Homeowners Association for landscaping and other improvements. The Homeowners Association had obtained the signatures of all but a few of the individuals involved in the settlement and will have until May 30 to obtain the remaining signatures. He felt that the Homeowners Association should receive its cash payment before the subject conditional use application is approved and further development takes place. Otherwise, the property might be sold before the Homeowners Association could collect; and they would be left with nothing but a paper settlement. He apologized to the prospective purchaser of the property for the fact that all of the necessary signatures had not yet been obtained; but he indicated that he knew of no one who was opposed to the current conditional use application which would modify the approved plan to allow construction of 5 duplex houses instead of a 32-unit apartment building.

President Lau asked Mr. Doherty if he felt that the lawsuit will be finalized by June 3. Mr. Doherty replied in the affirmative.

Bradford McNutt, prospective purchaser of the property, asked the Commission to proceed with the public hearing and to approve the application subject to a condition specifying that no building permits would be approved until the Homeowners Association has received its cash payment. President Lau replied that he felt that would be difficult for the Commission to take action until the lawsuit has been finalized.

Mr. Steele stated that the Commission could establish a condition specifying that the conditional use authorization would not become effective until the pending litigation has been settled; however he felt that it would be preferable the Commission to take no action until the settlement has occurred.

Commissioner Starbuck asked the prospective purchaser if a one month's delay would jeopardize his financing. Mr. McNutt replied in the negative but remarked that he had been under the impression that the lawsuit could be settled with the approval of two-thirds or three-fourths of the people involved.

Mr. Doherty stated that further lawsuits might ensue if the settlement was not agreed to by all of the parties involved.

Commissioner Starbuck stated that he would prefer to follow past policy of the Commission and to delay any action until the litigation has been settled.

When the question was called, the Commission voted unanimously to postpone consideration of this matter until the meeting of June 3, 1976.

CU76.12 - 1145 BUSH STREET, SOUTH LINE, 222 FEET EAST OF HYDE STREET.
REQUEST FOR AUTHORIZATION TO CONSTRUCT A SECOND FLOOR ADDITION TO THE EXISTING BUILDING AND TO USE THE ENTIRE BUILDING FOR MEDICAL OFFICES; IN AN R-5-C DISTRICT.

R. Spencer Steele, Acting Director of Planning, referred to land use and zoning maps to describe the subject property which has a frontage of 27.5 feet along Bush Street and a depth of 137.5 feet for a total area of 3781 square feet. The property is occupied by a one-story vacant building which was last occupied by a laundry. The applicant proposed to reconstruct the existing building and install a second floor, thereby increasing the overall height of the building by 6 feet. The building would then contain 5665 square feet of floor area which would be devoted to medical office use. No off-street parking would be provided. Conditional use authorization would be required for medical office use of the second floor of the building.

Kenneth Boilen, agent for the applicant, stated that he had been advised by the staff of the Department of City Planning several months ago that no parking would be required for the proposed use; however, when he had filed the conditional use application, he had been advised that one off-street parking space would have to be provided for each 300 square feet of occupied floor area on the second floor of the building unless a variance were granted. He emphasized that the site is well served by public transportation. Furthermore, six sizable parking lots already exist within one and one-half blocks of the site; and vacant spaces are usually available in those lots.

Mr. Steele advised Mr. Boilen that the issue of the parking variance will be decided by the Zoning Administrator and not by the City Planning Commission.

No one else was present to be heard on this matter.

Commissioner Bierman asked if notice of the public hearing had been given. Mr. Steele replied in the affirmative, indicating that an advertisement had been placed in the official advertising newspaper, notices had been mailed to the owners of property within a 300 foot radius of the subject site, and the neighborhood had been posted. He emphasized that the subject property is zoned R-5-C; and, if the property is to be redeveloped, he felt that it should include housing comparable to other housing existing in the neighborhood in order to comply with the intent of the zoning district and to fill a recognized city-wide housing need. He remarked that alternatives exist for provision for medical offices in the subject part of the city in the form of 1) an existing medical office building owned and operated by St. Francis Hospital, 2) a proposed replacement for that medical office building and 3) on the ground floor or below grade on the subject site or on other properties in the neighborhood. Finally, he remarked that the applicant had not established a need for separate small medical office buildings such as the one proposed in the vicinity of St. Francis Hospital, a major medical complex. For these reasons, he recommended that the subject application be disapproved.

Ann King, architect for the applicants, stated that the subject building has no basement; and she believed that it would be more costly to excavate than to add a second floor to the existing building. She emphasized that a second floor would add only 6 feet to the height of the building.

Mr. Boilen felt that it might be economically feasible to excavate 3 or 4 feet and to remodel the building so that one level would exist slightly below grade with a second level being provided within the shell of the existing building. He stated that St. Francis Hospital's medical office building at 909 Hyde Street is old and over-crowded; and he believed that additional space is needed for medical offices until the hospital constructs a new medical office building. If the issue of parking were to be decided at a later date, he did not understand on what basis the staff was recommending that the application be disapproved.

Commissioner Starbuck stated that the Master Plan calls for a provision of housing above the ground floor level in certain commercial districts; and the subject property had been zoned R-5-C in accordance with that Master Plan policy. The basic concept of that zoning district was that ground floor uses should be retail businesses providing neighborhoods with services and with housing above;

and he remarked that medical offices would not necessarily qualify as a neighborhood service-oriented use. He remarked that the medical office building at 909 Hyde Street will be eventually be torn down and replaced with a more modern facility; and he believed that approval of the facility presently being proposed would be irreversible.

Mr. Boilen stated that he doubted that development of housing on the subject site would be economically feasible given the cost of the property; and, therefore, if the subject application were to be disapproved, he expected that the ground floor of the building would be used for medical offices and that no second floor would be added to the building. That would mean that the City would lose potential taxes.

President Lau inquired about the number of doctors who would have offices in the proposed building. Mr. Boilen replied that the building would be occupied by two orthopedic surgeons. In reply to a further question raised by President Lau, Mr. Boilen stated that the doctors own the property at the present time.

Commissioner Mellon asked if the doctors would have physical therapy facilities on the site which would require the amount of floor area being proposed. Mr. Boilen replied in the affirmative.

Ms. King stated that three doctors might eventually maintain offices in the building.

Commissioner Starbuck asked if the doctors are on the staff of St. Francis Memorial Hospital. Mr. Boilen replied in the affirmative and indicated that they presently maintain offices in the medical office building at 909 Hyde Street where they have extremely poor facilities.

Commissioner Mellon stated that he agreed with Mr. Boilen that there was little potential for housing development on the subject site; and, therefore, he felt that the Commission should give serious consideration to the medical office use being proposed.

President Lau stated that he would request permission to abstain from voting on this matter because some of his clients are also clients of the applicants.

Mr. Steele remarked that the plans which have been submitted with the application indicated at least 12 examining rooms, and it seemed to him that that would be an excessive number of examining rooms for only two doctors.

President Lau stated that it is not unusual for orthopedic surgeons to have four or more examining rooms.

Ms. King stated that the building may be occupied by three doctors who would each utilize four examining rooms. She remarked that the doctors may not spend a great deal of time with each of their patients; but time is required to prepare patients for the visit and for patients to dress again after the visit has taken place. Therefore, utilization of four examining rooms would make for a more efficient operation.

Mr. Boilen emphasized that the plans which had been submitted with the application were only preliminary in nature; and he indicated that further consultation with the doctors would be required before final plans are prepared.

Commissioner Mellon agreed that it is not unusual for orthopedic surgeons to have as many as four examining rooms.

Mr. Steele stated that he would be prepared to change his recommendation and to recommend that the application be approved subject to specific conditions; and he indicated that he would prepare a draft resolution of approval for consideration by the Commission at its meeting next week.

After further discussion, it was moved by Commissioner Mellon and seconded by Commissioner Bierman that President Lau be excused from voting on this matter because of a possible conflict of interest.

Subsequently, it was moved by Commissioner Finn, seconded by Commissioner Dearman, and carried unanimously that this matter be taken under advisement until the Meeting of May 13, 1976, and that the staff be requested to prepare a draft resolution of approval with conditions for consideration by the Commission on that date. President Lau abstained from voting on this matter.

The meeting was adjourned at 5:10 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

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— SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, May 13, 1976.

The City Planning Commission met pursuant to notice on Thursday, May 13, 1976, at 2:30 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Selina Bendix, Environmental Review Officer; Peter Svirsky, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning); Douglas Holmen, Planner II; Mary Hermann, Planner II; Barbara Sahn, Ecological Consultant, and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meeting of May 4, 1976, be approved as submitted.

CURRENT MATTERS

Edward I. Murphy, Acting Director of Planning, reported that the meeting of the Neighborhood Plans Committee scheduled for next Thursday will be cancelled. The Regular Meeting of the full Commission will convene at 2:00 p.m. on that date.

Mr. Murphy advised the Commission that the Planning, Housing and Development Committee of the Board of Supervisors will meet next Tuesday, May 18, in Room 228, City Hall.

Mr. Murphy informed the Commission that the City Attorney had rendered an opinion on questions raised by Supervisor Tamaras relating to the proposed ordinance regarding Institutional Master Plans as recommended by the City Planning Commission. The City Attorney indicated that a requirement for institutions to file their affirmative action plans with the City Planning Commission would exceed the Commission's authority; and he felt that it would be advisable to establish a time limit for review and comments on proposed projects by the Comprehensive Health Planning Council.

RECONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF AN APPLICATION FOR A DEPARTMENT OF PUBLIC HEALTH PERMIT FOR A RESTAURANT AT THE NORTH-WEST CORNER OF BUSH AND OCTAVIA STREETS.

(Request was denied during Meeting of May 6, 1976.)

The Secretary read the following letter which had been received from Peter C. Hodgson, 1818 Bush Street:

"Dr. Michael Braverman and Robert Bitton have given me their personal assurances that they will act in good faith and cooperate with the neighborhood in doing everything within their power to minimize any parking problems which may result from the opening of Robert's Restaurant Francais.

"As a result, I am withdrawing my petition for Discretionary Review by the Planning Commission."

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the proposal for withdrawal of the reconsideration request be approved but that the Commission sustain its action of May 6 denying the request for Discretionary Review of the permit.

After discussion, it was moved by Commissioner Mellon, seconded by Commissioner Finn and carried unanimously that the withdrawal of the request for reconsideration be approved but that the Commission's action of May 6 denying request for Discretionary Review of the permit be sustained.

EE75122 - CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT FOR CHANNEL OUTFALLS CONSOLIDATION, SAN FRANCISCO WASTEWATER MANAGEMENT MASTER PLAN, IMPLEMENTATION PROJECT VII.
(Under Advisement from Meeting of May 6, 1976.)

Selina Bendix, Environmental Review Officer, distributed and summarized a summary of public comments received on the Draft Environmental Impact Report and responses to those comments.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended the adoption of a draft resolution which contained the following resolves:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report, dated May 13, 1976, concerning EE75.122: San Francisco Wastewater Management Master Plan, Implementation Program VII, Channel Outfalls Consolidation, is adequate, accurate and objective, and does hereby CERTIFY THE COMPLETION of said Report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said Report does hereby find that the project as proposed will not have a significant effect on the environment."

MAY 13, 1976

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7495.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription. A court reporter was also present and will prepare a transcript which will be available in the files of the Department of City Planning.

CU76.12 - 1145 BUSH STREET, SOUTH LINE, 22 FEET EAST OF HYDE STREET.
REQUEST FOR AUTHORIZATION TO CONSTRUCT A SECOND FLOOR ADDITION
TO THE EXISTING BUILDING AND TO USE THE ENTIRE BUILDING FOR
MEDICAL OFFICES; IN AN R-5-C DISTRICT.
(Under advisement from Meeting of May 6, 1976.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that this matter had been taken under advisement from the meeting of May 6 to enable the staff of the Department of City Planning to prepare a draft resolution of approval with specific conditions for consideration by the Commission. He distributed a draft resolution which had been prepared with five conditions; and, after summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Mellon, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7496.

At 2:15 p.m. President Lau announced a 20-minute recess. The Commission reconvened at 3:10 p.m. and proceeded with hearing of the remainder of the agenda.

LM76.3 - PUBLIC HEARING ON A PROPOSAL TO DESIGNATE THE SAN FRANCISCO
ART INSTITUTE, 800 CHESTNUT STREET, AS A LANDMARK.
(Postponed from Meeting of April 1, 1976.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that this matter had been postponed from the meeting of April 1 to enable him and the President of the Landmarks Preservation Advisory Board to meet with the Board of Trustees of the Art Institute; however, that meeting had not yet taken place. He recommended that the matter be further postponed until the meeting of July 8, 1976.

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that this matter be further postponed until the meeting of July 8, 1976.

ZT76.2 - PUBLIC HEARING ON PROPOSED AMENDMENTS TO CITY PLANNING
CODE FOR PROTECTION OF TREES.

Peter Svirsky, Planner V (Zoning), reported on this matter as follows:

"This ordinance for protection of trees was prepared to meet a Commission request made in February, when a great deal of concern arose over an incident in which trees were removed from a site with no current development plans and therefore no reason for removal. The draft ordinance was presented on April 8, and notice has been widely circulated.

"The Department was fortunate in having able assistance from a group of interested citizens in preparing the draft.

"The existing problems this proposal seeks to deal with are mainly the following:

1. Lack of a permit requirement for tree removal where there are no current plans for development.
2. An insufficient basis for environmental review in relation to trees.
3. Lack of affirmative criteria for review of tree work where development is to take place, including requirements for replacement of trees that are removed.
4. Lack of means for safeguarding of trees that are to remain during work on a site.

"A two-page summary distributed with the ordinance goes over the provisions in brief. For the most part the requirements would apply to mature trees on private property where development is to occur, or where the site is undeveloped. Permits would be required in all the covered cases, but a new, special permit for tree work would be needed only where a permit is not already required under the Building Code. Criteria for review are spelled out, and an application may be approved or disapproved on the basis of this ordinance. There are also provisions concerning safeguarding of trees during work on a site, replacement trees, and administration and enforcement. Properties owned by the City would not be subject to the permit requirements, but under this ordinance the City departments would have to issue directives to their employees concerning protection and maintenance of trees.

"Those are the types of provisions that are included. There were a number of other areas of possible control discussed but not included in the ordinance, principally because they would have expanded the scope beyond manageable proportions. Among these omitted areas are:

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1. Back yard situations, where an owner wants to remove or alter a tree and no development is contemplated.
2. View protection, where the ordinance would be used to protect views against growth of trees downhill.
3. Designation of special 'landmark' or 'heritage' trees, which would then be given double protection.
4. Protection of landscaping other than trees.
5. Requirements for trees or other landscaping in new development, where no tree removal will occur.
6. A requirement for cash payments to a City fund where property is developed and it is determined that replacement trees put in are not adequate to compensate for the public values lost when trees are removed.

"Those are the things the ordinance does and does not do.

"In the draft submitted to the Commission, it was proposed that the special tree permits for cases involving no building permit be reviewed by the Street Planting Division of the Department of Public Works.

"We have had discussions with the Director of the Department of Public Works, Mr. Tatarian, and he has submitted a letter dated May 12, copies of which are before the Commission. Mr. Tatarian strongly prefers that all review responsibility under this ordinance be centralized under the Department of City Planning, but his letter contains a promise of technical advice to the tree permit cases. Applications would still be filed at the Central Permit Bureau, however, contrary to what the letter says--there has been a further discussion of this point.

"The staff feels it is necessary to accept the change that Public Works requests; the change will, of course, place even more administrative responsibilities to this Department. Appropriate changes can be made to Section 907 and elsewhere in the draft ordinance to accomplish this change."

Commissioner Bierman, noting that the Director of Public Works had addressed a letter to the Acting Director of Planning in which he suggested that only trees 18 inches in girth or larger should be indicated on building plans instead of trees having a girth of only 12 inches as specified in the proposed ordinance, asked if the staff intended to recommend such a change in the ordinance. Mr. Svirsky replied in the negative.

Commissioner Mellon asked why the staff had rejected that change. Mr. Svirsky explained that only those trees which are indicated on the plans will be reviewed; and he felt that trees having a girth of 12 inches should at least be considered during the review process.

Commissioner Mellon then asked if the staff of the Department of City Planning had any objection to taking full responsibility for administration of the proposed ordinance. Mr. Svirsky replied that the staff had no problem with the concept, especially since it is difficult to divide administrative responsibility. However, administration of the ordinance would place an additional burden on the staff.

Mrs. James Wiley, representing San Francisco Beautiful and the California Roadside Council, indicated that both organizations were wholeheartedly in favor of the proposed ordinance.

Dorice Murphy, a member of the Board of Directors of the Eureka Valley Promotion Association, stated that her organization wished to endorse the proposed ordinance; however, she indicated that she would be opposed to the change which had been recommended by the Director of Public Works concerning the minimum girth of trees to be protected. In conclusion, she stated that she hoped that the ordinance would be strictly enforced and that penalties would be applied when appropriate.

Stanley Smith, Secretary-Treasurer of the San Francisco Building and Construction Trades Council, stated that he supported the section of the ordinance which would require that a permit must be obtained whenever trees are to be removed in cases where no construction or site preparation is pending since he acknowledged that trees are beautiful and that they should not be cut down for no good reason. However, in cases where a specific project is pending, he felt that the requirement for a tree permit would represent an additional layer of bureaucracy which would merely make things more difficult for the construction industry. He believed that trees which cannot be saved should be replaced; but he felt that provisions to that effect should be included in the Building Code and not in a separate ordinance which would require contractors to apply for an additional permit. He also objected to the section of the ordinance which specified that no regulated tree work could be commenced until final approval has been obtained for general work on a particular parcel of property. He stated that the provisions of the ordinance requiring protection of trees to be retained during the construction work were generally acceptable since it is not difficult to protect trees from caustic materials; however, he felt that the requirement for spraying the trees periodically with water to prevent build-up of dust and other pollutants was somewhat extreme. In his opinion, "mother nature" has a way of taking care of such circumstances. He remarked that the Commission had previously considered an amendment to the ordinance which would have required property owners to be responsible for the replacement cost of trees which cannot be saved; but he was pleased that that provision had not been included in the final draft of the ordinance. In conclusion, he urged the Commission to refer the ordinance back to the staff of the Department of City Planning with instructions to investigate the

possibility of incorporating the provisions of the ordinance into the Building Code so that the construction industry would not be burdened with an additional layer of paper work.

Ann Anderson, representing the League of Women Voters, read and submitted the following statement on behalf of Cecile Michael, President of the League of Women Voters of San Francisco:

"The League of Women Voters of San Francisco strongly support the proposed ordinance drafted by the Planning Department for the protection of trees in San Francisco.

"We also agree with the reasoning that led to the proposed ordinance. In a city as beautiful as San Francisco, aesthetic considerations alone should justify the protection of trees as a public resource. But trees also have great ecological importance -- particularly in a city, where their scarcity makes them even more valuable. To name only two examples of their usefulness (both pointed out in the draft of the ordinance), trees improve air quality and contribute to watershed management.

"When a developer can cut down a grove of 100-year-old cypress trees for no good reason, as recently happened, it is apparent that the state's environmental quality act falls short of the needed protection in that it ties regulation of tree-cutting to building permits. The proposed ordinance makes up for this deficiency in extending protection to trees on all undeveloped or partially undeveloped property, even when no building permit is involved.

"The provisions of the ordinance, as the department has drafted them, represent a big step toward preserving one of San Francisco's most valuable resources. We urge the Commission to recommend it for adoption by the Supervisors and hope that it will become law."

Effie Schwarzschild, 350 Douglas Street, advised the Commission that she had been instrumental in having more than 30 trees planted in her neighborhood. Additionally, she and other residents of the neighborhood had achieved the creation of a mini-park on Seward Street. She felt that open space and trees are necessary to help residents of the city maintain their sanity; and she believed that the city should not become "contretized". She remarked that Europeans have traditionally had a respect for trees, realizing that they have an aesthetic value and that they affect the quality of the air that we breathe. She believed that it is important for children to gain a respect for trees as they grow up; but they will never gain that respect if the earth is totally covered with concrete. She expressed her appreciation to the staff of the Department of City Planning for preparing the draft ordinance; and she urged the Commission to approve the ordinance as proposed. In conclusion, she asked if she would be able to make a citizen's arrest of anyone whom she might find harming a tree once the ordinance has been enacted.

Mr. Svirskey replied that he would have to direct Ms. Schwarzshild's question to the City Attorney since he did not know the answer to it.

Ms. Schwarzshild requested that the staff of the Department of City Planning direct the question to the City Attorney as soon as possible and asked that she be notified of the nature of his response.

Harvey Freed, an attorney who had assisted the staff of the Department of City Planning in preparation of the draft ordinance, stated that the ordinance would impose civil penalties on violators; and, under the circumstances, he felt that citizen's arrests would be inappropriate. He suggested that anyone witnessing a violation of the ordinance should report the violation to the agency responsible for enforcement of the ordinance.

Edward Lawson, City Planning Director for the Chamber of Commerce, stated that he had been involved in a number of tree installation projects; and he indicated that he was very definitely in favor of trees. However, he had several questions regarding the proposed ordinance which he would like to have clarified. He did not understand why girth had been chosen as the method of measurement of trees; and he wondered what height above the ground that measurement would be taken. He also questioned how the citizens advisory committee which had helped to prepare the draft ordinance had been formed. He wondered if the staff of the Department of City Planning could estimate how many trees might be affected by the proposed ordinance; and he asked if City-owned trees would be affected by the ordinance. He asked if trees on private golf courses would be affected by the ordinance. Finally, he asked how dead trees would be affected by the ordinance.

Mr. Svirskey acknowledged that there are a variety of ways in which the size of a tree might be measured; however, measure of aggregate girth at a height of 4½ feet above natural grade had finally been selected as the standard for the proposed ordinance. It is a commonly used method measurement. When the Commission had instructed the staff to prepare the draft ordinance, several citizens had volunteered to assist the staff by providing ordinances which had been collected from other communities and by providing legal and horticultural expertise. However, the final draft had been prepared by the staff of the Department of City Planning. Other city employees had also been involved in the process.

Mr. Lawson asked if any development people had participated in the drafting of the ordinance. Mr. Svirskey replied that two landscape designers who are presumably involved in development projects had participated in the process. He further indicated that the purpose of the public hearing presently being conducted was to obtain an input from other interested parties. With regard to the question of how many trees might be affected by the ordinance, he stated that there was no way of knowing. However, he remarked that there are very few vacant lots in the city; and he remarked that the basic thrust of the ordinance would be aimed at trees on vacant lots. In cases where tree work is proposed

in conjunction with a development project, no separate permit application would be required or issued. City-owned trees would be affected by Section 915 of the proposed ordinance which would require City agencies to issue directives to their employees providing a guide for the protection and maintenance of trees located on City Property; however, City-owned trees would not be subject to the permit process which will be established for privately-owned trees. Trees located on private golf courses would be covered by the proposed ordinance. The condition of trees will be evaluated as permit applications are reviewed; and, dead, dying or diseased trees will be noted. The ordinance would also provide for emergency tree work to be undertaken without the benefit of a permit if human life or structures were endangered.

Mr. Lawson stated that the Chamber of Commerce was strongly opposed to the proposed ordinance. He remarked that the ordinance would create a great deal of additional work for developers and the staff of the Department of City Planning; and he did not believe that it would provide a commensurate benefit for the city. He also felt that trees with a girth of only 12 inches, which might have a diameter of only 3.2 inches, would not be deserving of the protection which would be afforded by the proposed ordinance. He stated that he was not opposed to trees; but he felt that the time and money which will be required to administer the proposed ordinance would place a burden on the Department of City Planning and private developers which would far exceed the benefits which would be derived from the ordinance. He suggested that a more positive approach would be to initiate a major effort to plant new trees in the city.

Philip Zimbaro, President of the Montclair Terrace Association, urged the Commission to approve the proposed ordinance in the strongest possible form. He noted that the drafting of the ordinance had been prompted by the loss of more than 40 mature Cypress trees at Hyde and Lombard Streets only a few months ago. At that time, the City had found that it was helpless to prevent the destruction of those trees because no permit was required for tree removal; and it was obvious that the trees had been removed to avoid discretionary review problems with the City Planning Commission when a development is proposed for that property. He emphasized that trees are one of the city's most valuable resources, and he was disturbed by the fact that a representative of the Chamber of Commerce had spoken in opposition to the ordinance. In conclusion, he urged the Commission to remember what can happen in the absence of such an ordinance.

Mr. Smith asked Mr. Svirsky if he had stated earlier in the meeting that the purpose of the proposed ordinance was to prevent any future development on property which is not now developed. Mr. Svirsky replied in the negative, indicating that the purpose of the ordinance was not to prevent development but to prevent the destruction of trees; and he stated that it was hoped that the ordinance would discourage the wholesale destruction of trees on vacant properties when there is no apparent reason for tree removal. In order to clarify Mr. Smith's misunderstanding with regard to the permit process outlined in the proposed ordinance, he explained that no separate permit would be required for tree work when a building permit application is submitted; but the tree work would have to be indicated on the plans for the proposed project. However, a special tree permit would be required whenever tree work is proposed independent of a specific development project.

Mr. Smith asked if individual site inspections would be made in each case before building permits are issued; and, if so, he indicated that he would be opposed to adding another layer to the bureaucratic process. Mr. Svirsky replied that site checks would be made in each instance; but such an inspection would probably be made in any case for significant projects. He stated that approximately 25% of the major projects reviewed by the Department of City Planning have trees which would be covered by the proposed ordinance.

Clemens Paul Work, an attorney, read and submitted the following prepared statement:

"As a member of the ad hoc committee that wrote this proposed ordinance for the protection of trees, I recommend your endorsement of it, as amended.

"This ordinance is a very necessary first step in preserving the trees of San Francisco -- the trees which shade, contrast, beautify and enhance our walled-in city lives.

"That trees have substantial beneficial qualities, both tangible and intangible, is a fact beyond reasonable dispute. How nature's ample benefits can best be preserved, by the human world of rules and regulations, is the question that confronts us today and that has shadowed our committee's deliberations. Constraints, real or imaginary, imposed by the city budget upon personnel and dollar to fund adequate protections for trees were among our primary considerations. No ideal system of absolute tree protection is practical, nor does it seem wise to presume to intrude unduly into people's activities or into their backyards.

"Nevertheless, we are a far cry from the hoary old theory that a man (and it was always a man in those days), owns, in fee simple absolute, from the center of the earth to the skies above. Land use restrictions have proliferated as the space around each of us shrinks. The notion that you can do what you will with your own property becomes every day more remote. Owners, developers, buyers and builders are all restricted in what they can do with the land, under the theory of the state's police power to protect and safeguard the general safety, health and welfare.

"Developers of subdivisions are commonly required to dedicate open space or particular facilities in return for building permits. In some cases, cash payments are made where open space is limited. In this city, floor area ratio bonuses are granted in return for the provision of certain amenities such as plazas and green space. In New York and elsewhere, development rights have been transferred to other buildings or other locales.

"The common thread running through these examples is the trade-off between government and developer that allows development costs and benefits, in the board, social sense, to be shared. In a subdivision exaction, the government and the developer share the cost and benefit of greater density by the agreement to provide more open space.

"In this case, the government pays the cost of giving up the right to demand replacement of trees in return for the benefit of a monetary payment to an open space fund. The developer pays the cost of replacement in return for the benefit of construction.

"The fact that open space is the substitute for green trees is a less-than perfect trade-off. A closer substitute, it seems, could be arranged: Planting of trees in alternate sites, payment of funds to the city street tree planting program, enhanced landscaping on the site, re-design of the building to accommodate more trees, or a combination of those and other factors.

"But the tree open space trade-off is feasible and legal, in my opinion and does not run afoul of the Fifth Amendment Taking Clause. It is not a taking of land without just compensation; it is a regulation of land use under the police power of the municipality.

"The replacement provision is needed in this ordinance because it puts teeth into it. Without it, the developer is encouraged to cover the site as Section 911, as originally written, requires replacement or restoration only on the same site. Filling a site with a building seems directly contrary to the purposes of this ordinance. The anomaly would be eliminated by the strengthened tree replacement provisions.

"As developers are subject to land use restrictions, so are land owners of fully-developed property. Nuisance, use, height, safety and health restrictions all impinge upon the property owner.

"The common law gives a person the right to cut the branches of a neighbor's tree that overhang his/her property. But the untrammelled exercise of this right, which developed in a rural, agricultural society, is questionable today in our urban cheek-by-jowl existence where trees, as islands of greenery, are made all the more valuable by their scarcity -- and by their existence as outposts of Nature's domain. I am counsel in a case pending in Superior Court which seeks to test that theory.

"In the proposed ordinance, there is no attempt to restrict the cutting or destruction of trees by owners of fully-developed property. It was the committee's feeling that 'getting into the backyard' would create a whole series of administrative, legal and financial problems and create an unenforceable permit system that would encourage contempt for and disregard for city government. People would scoff at city hall rather than go through the bureaucratic hassle to prune their peach trees.

"While it is tempting to try to legislate away legal disputes, I am in complete agreement with the committee that no purpose is served by getting into backyards; that the most egregious problems in tree-cutting are those caused by developers and would-be developers.

"Nevertheless, it seems that a means of protecting landmark neighborhood trees on privately-owned fully-developed property can be implemented in the future, with this ordinance as its base.

"The Advisory Committee on Trees, for instance, could review applications for landmark status, using as criteria the standards in this ordinance in Section 909, as well as other criteria specially fitted to landmark trees. Owners of such trees would be restricted from harmful actions upon them; and the trees would be protected from the incursions of others except where reasonably necessary to protect health and welfare, determinable after hearings with regard to due process.

"The City Planning Department itself, perhaps, could designate landmark trees and require owners of such trees to file a 'Consent to Landmark Status' which would give planning consideration to such trees and protect them.

"Thank you for your consideration of these issues."

Mr. Work also submitted a letter which he had signed as President of the Duboce Triangle Neighborhood Association in support of the proposed ordinance and a letter which had been prepared by Dale H. Champion, President of the Buena Vista Neighborhood Association, in support of the ordinance.

Jim Cassin, a gardener at the Transamerica Building Park, asked if the proposed ordinance would protect trees located on properties adjacent to construction sites. Mr. Svirsky replied in the negative. He stated that consideration had been given to that issue; but it was a difficult one to deal with.

Mr. Cassin remarked that Mr. Smith had been in error when he stated that "mother nature" can deal with dust and other pollutants on the leaves of trees. He stated that concrete dust and sand blasting are not natural things; and they can severely damage trees although the injury may not be readily apparent. Compaction of the soil around the root area of trees can also have a damaging effect which may not be apparent for two or three years. He felt that trees should be recognized as a valuable asset and that they should be preserved wherever possible; and he did not regard replacement to be a suitable substitute for preservation. He urged that the proposed ordinance be approved.

Betsy Flack, a member of a Board of Directors of the Nob Hill Neighbors, indicated that she had assisted in the preparation of the proposed ordinance; and she felt that the ordinance was superior to those which are in effect in other communities. She believed that the replacement provisions in the ordi-

nance would work well in most instances. However, in her own neighborhood, there is a property with a number of 100-year-old trees which would have to be removed if any development were to take place; and she felt that those trees could not effectively be replaced by the planting of new trees. For that reason, she felt that the Commission should give consideration to the amendment suggested by Commissioner Starbuck on April 8. That amendment would have required that a dollar value be assigned to trees which could not be replaced; and an equivalent amount of money would have to be deposited in the Open Space Acquisition Fund for the acquisition and maintenance of open space in San Francisco. She also suggested that stronger language should be included in Section 906 (c) of the proposed ordinance. As presently worded, that section would provide that the Department of City Planning, in reviewing proposed regulated tree work, "may consult" with the Advisory Committee on Trees; but she believed that the Advisory Committee should be fully involved. While she expected that the staff of the Department of City Planning would eventually gain expertise in tree analysis, she felt that the staff should take advantage of the Advisory Committee whenever possible. She advised the Commission that a great deal of discussion had taken place regarding the method to be used in measuring trees; and she regarded the 12 inch girth measurement as a common standard for trees of reasonable size. She remarked that trees in San Francisco are somewhat tortured and often have a "Bonzai" appearance; and, under such circumstances, a tree with a 12 inch girth could well be 30 years old. In conclusion, she stated that she was very pleased with the final draft of the proposed ordinance and felt that it would be easy for the public to understand; and she urged that it be approved by the Commission.

Andy Butler stated that he, also, had assisted in the preparation of the proposed ordinance. He remarked that trees reduce harshness of the environment and aid people psychologically; and, unless the proposed ordinance is enacted soon, the purpose of the City's street tree planting program will be defeated. He felt that it was important that trees with a girth of 12 inches should be protected; and he indicated that he supported the amendment which had been suggested by Commissioner Starbuck.

Mr. Freed remarked that a cynic's definition of a city is "a place where they cut all the trees down and then they proceed to name their streets after them"; but he believed that the proposed ordinance would discourage that tendency. He felt that the draft which had been prepared by the staff was excellent; however, he was of the opinion that the amendment which had been proposed by Commissioner Starbuck should be included in the ordinance because it would cover instances in which it is not feasible to replace trees which are removed on the same site. If the amendment were not included in the ordinance, he believed that developers would be encouraged to develop their sites to the maximum extent possible so that they would not have to save any trees. The amendment would create a source of revenue which would be deposited in the Open Space Acquisition Fund, a program which is related to the purposes of the proposed ordinance. He believed that the amendment would not add significantly to the Department of City Planning's responsibilities because it would discourage projects which would make it infeasible to replace trees on the same

site from which they are removed. Finally, he felt that the amendment would plug significant loopholes in the ordinance; and he urged the Commission to give it very serious consideration. With regard to the issue of measurement by girth, he stated that that method of measurement had been suggested by a City employee who has had more than 25 years of experience working with trees. Furthermore, the same method measurement is used in the "Standard Guide to the Professional Evaluation of Landscape Trees". He regarded the method of measurement as a rational one; and he did not feel that it would cause any problems. While he recognized that changes would have to be made in the proposed ordinance in order to accommodate the desires of the Director of Public Works, he hoped that the changes could be made quickly so that the proposed ordinance could be taken before the Board of Supervisors during the month of June.

Brian Fewer, representing the Street Tree Planting Division of the Department of Public Works, stated that many other communities in California have already adopted ordinances for the protection of trees; and he felt that San Francisco should have such an ordinance, also. He stated that he felt very strongly that trees with a girth of 12 inches should be covered by the ordinance. He noted that the new trees which have been planted on Market Street are approximately that size; and those trees have a height of 23 or 24 feet. In conclusion, he complimented the staff and the ad hoc committee for the quality of the draft ordinance; and he urged that it be approved by the Commission.

Commissioner Bierman asked the staff to comment on the amendment which had been proposed by Ms. Flack.

Mr. Svirsky indicated that Ms. Flack had requested that the ordinance be amended to formalize the use of the Advisory Committee on Trees in cases where the staff of the Department of City Planning is reviewing permits for construction or site preparation. He remarked that mandatory consultation with the Advisory Committee on Trees would establish an additional procedural requirement; and, in view of the fact that the committee would consist of only 3 people, he felt that consultation on a regular basis might be difficult. For those reasons, the staff had recommended that mandatory consultation with the Advisory Committee on Trees take place only when regulated tree work is proposed in the absence of a permit for construction or site preparation. An alternate to the amendment proposed by Ms. Flack might be to amend the ordinance to provide that the Department of City Planning shall notify the Advisory Committee of Trees upon receipt of applications for regulated tree work where no permits for site construction or site preparation are involved; but he indicated that he would not advocate such an amendment.

Commissioner Starbuck moved that the draft ordinance be amended to incorporate a new Section 911 (c) to read as follows:

"The principal standard for adequacy to compensate for the loss of a removed tree shall be the Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs & Evergreens (in its latest revision), by the International Society of Arboriculture (The Guide). Whenever replacement of the

removed tree is not deemed feasible by the reviewing agency, in light of sound horticultural practice, the property owner shall then be liable for 'Replacement Costs'. Replacement costs shall be the sum of money necessary to replace such tree as determined by the reviewing agency using the Guide. These monies shall be credited to the Open Space Acquisition Fund, administered by the San Francisco Recreation & Park Department for the acquisition and maintenance of open space in San Francisco."

The motion was seconded by Commissioner Bierman.

Commissioner Rosenblatt requested Mr. Svirsky to read the comments concerning the proposed amendment which he had made during the meeting of April 8. Mr. Svirsky responded as follows:

"One is tempted to support such a proposal, because it appears to fill a gap and to assure that trees will never be truly lost in the city. The replacement fund idea has been discussed a number of times in the working group, but it has been my view that its drawbacks very much outweigh its advantages.

"Some of the drawbacks are the following:

1. The ordinance would be more cumbersome. We would be talking about funds management and new procedures for assessments.
2. The ordinance would be harder to get adopted with this provision.
3. There would be even more work involved for an overtaxed staff -- it would be necessary to make or obtain precise calculations that would justify the assessment made so as to assure that the assessment will be complied with or, if challenged, will hold up.
4. There are good existing guidelines for professional evaluation of trees, but they involve intangible factors at every step, especially for existing trees.

"Under the fund proposal, apparently one would evaluate the removed tree and arrive at a price, then look at the cost of the nursery stock proposed to be put in (including installation), and if the values did not balance there would be a deficit to be paid into the fund.

"But I don't think that is what we are talking about with the words 'deemed adequate to compensate for the loss' as they are used in the ordinance -- for one thing, we ought to assume a certain amount of growth of the new trees, perhaps even a great deal of growth in some cases, before reaching a conclusion.

5. It is altogether possible that the fund provision would make a developer lose interest in keeping the existing trees -- which, after all, is the main reason for this ordinance. The developer could easily stiffen his position on changes to his development proposal, and simply pay the money. The payment could be well worth it to him, based upon other cost savings as the project moved along.

6. The fund payments would have the appearance of a tribute or penalty and would not sit well with many people. A legal challenge might well occur, and I am not familiar with any cases that have upheld such a provision.

7. There are also substantial questions about the appropriateness of using funds for tree planting or open space at a location distant from the site where tree removal has occurred. The connection in a given case might be very remote indeed.

8. If the overriding objective of this proposed amendment is to get new trees planted in the city, then other requirements would be much more to the point. Those requirements would be aimed at getting new trees and other landscaping in all, or nearly all, new development. Many of the sites being developed have no existing trees. In many cases the Department is able to require or encourage tree planting in new development, both in street areas and on the site. That is certainly the best way to get more green in the city -- not by battling with a few developers about payments to a fund."

Commissioner Starbuck acknowledged that some of the points which had been raised by Mr. Svirsky do have validity. However, he had proposed the amendment because it was supported by a majority of the members of the technical advisory committee which had assisted in preparation of the ordinance. He stated that he doubted that the amendment would be approved by the Board of Supervisors; but he felt that it would be preferable for the Commission to include the amendment in the draft ordinance which is to be transmitted to the Board.

Commissioner Rosenblatt asked how the Department might administer the collection of replacement costs as required by the proposed amendment. Mr. Svirsky replied that the staff would probably direct the property owner to make a deposit with the Recreation and Park Department and to bring a receipt back to the Department of City Planning.

Commissioner Rosenblatt then asked if such a procedure would solve the administrative problems posed by the proposed amendment. Mr. Svirsky replied in the negative. He stated that the Department of City Planning does not have the capacity to evaluate the value of trees and would probably have to rely on someone else's evaluation; and he expected that the Department of City Planning might have to keep nursery people on a retainer to make the evaluations.

Mr. Freed believed that the evaluations could be obtained from the Advisory Committee on Trees without charge. Furthermore, he did not feel that there would be any problems involved in administering the amendment since the collections could be made by an existing agency and deposited in an existing fund. He expected that the amendment would be operative only in rare instances; however, when collections are made, he felt that the amount of money involved would be substantial. If trees valued at \$1,000 each were to be removed from a parcel of property and replaced with specimen materials, he did not feel that an even trade would be made; and, for that reason, he urged that the proposed amendment be included in the draft ordinance.

President Lau asked if the proposed amendment would mean that a property owner who removed \$7,000 worth of trees and plants only \$2,000 worth of new trees would have to pay \$5,000 into the Open Space Acquisition Fund. Mr. Freed replied in the affirmative.

Commissioner Rosenblatt asked Mr. Freed if he was aware of any other tree protection ordinances which rely on the International Society of Arboriculture's "Guide to the Evaluation of Landscape Trees" for a determination of the value of trees. Mr. Freed replied in the negative but indicated that the staff of the Santa Cruz Planning Department does use the guide.

Commissioner Rosenblatt stated that he was concerned about the possibility that the guide might not stand up as a definitive source under legal challenge. Mr. Fewer stated that the guide is respected by the insurance industry and by the Internal Revenue Service.

Commissioner Rosenblatt then asked Mr. Svirsky if he felt that the guide would be considered adequate by the courts. Mr. Svirsky outlined certain concerns as to the applicability of the "Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens" to precise cases where dollar measurements had to be made for payments to a replacement fund. He pointed out that the guide had been used for a number of years, but not necessarily for the purposes contemplated by the sponsors of this amendment; that the guide had changed direction somewhat in succeeding editions; that its criteria for appraisal of existing trees require use of a complex of subjective measurements and percentages; that for new trees the approach is different, using the cost of nursery stock of specified sizes including installation; and that the evaluation methods for existing trees and new trees did not follow the same lines. This last point is especially critical, as the assessment of replacement costs would be made on the basis of a mathematical difference between the two scores, which is not what the ordinance language "deemed adequate to compensate for the loss of the tree removed" is really intended to require. Among many other factors, this mathematical difference would ignore the amount of growth that would occur in the replacement trees in the near future.

When the question was called on the motion to amend the draft ordinance, the motion failed by a vote of 2 to 5. Commissioners Bierman and Starbuck voted "Aye"; Commissioners Dearman, Finn, Lau, Mellon and Rosenblatt voted "No".

Subsequently it was moved by Commissioner Mellon and seconded by Commissioner Finn that the draft ordinance as proposed by the staff of the Department of City Planning be approved.

Mr. Svirsky recommended that the following changes be made in the draft Ordinance:

1. Changing Section 907 to designate the Department of City Planning rather than the Landscaping and Street Planting Division of the Department of Public Works as the authority responsible for administering the Section; changing Section 914 to delete the enforcement responsibilities of the Department of Public Works; and making other modifications in accordance with these changes;
2. Inserting the amount of \$25.00 as the application fee in the last line of Section 907 (b);
3. In Section 914 (d) concerning civil penalties, without altering the substance of the provision, making such changes of wording as are recommended by the City Attorney to put the provision in proper legal form.

Commissioners Mellon and Finn modified their motion and second to incorporate the changes which had been recommended by Mr. Svirsky.

Commissioner Bierman moved that Section 906 (c) of the draft ordinance be amended by deleting the words "The Advisory Committee on Trees and with other" in the next to last line and by adding the following sentence: "The Department of City Planning shall notify the Advisory Committee on Trees of the receipt of all applications covered by this section".

The motion was seconded by Commissioner Starbuck. When the question was called on the motion to amend the draft ordinance, the motion passed by a unanimous vote.

When the question was called on the main motion, as amended, the Commission voted unanimously to adopt Resolution No. 7497 with the following resolved clause:

"THEREFORE BE IT RESOLVED, That the City Planning Commission finds that the public necessity, convenience and general welfare require that the City Planning Code be amended as set forth in said proposed ordinance as so modified, amending Section 311 and adding Article 9 entitled 'Protection of Trees', ZT76.2, and the same is hereby APPROVED."

MAY 13, 1976

The meeting was adjourned at 4:55 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

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CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, May 20, 1976.

The City Planning Commission met pursuant to notice on Thursday, May 20, 1976, at 2:00 P.M. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning); Janis Birkeland, City Planning Coordinator; Charles Gill, City Planning Coordinator; Carl Ness, Planner III; Marie Zeller, Planner III; Linda Ferbert, Planner II; Douglas Holmen, Planner II; Jeremy Kotas, Planner II; Russell Watson, Planner II; Mark Winogrand, Planner II; Nancy Gin, Planner I; Michael Johnstone, Architectural Design Draftman; Robert Woods, Architectural Design Draftman; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Mellon, seconded by Commissioner Rosenblatt, and carried unanimously that the minutes of the meetings of April 1, 22 and 29, 1976, be approved with corrections.

CURRENT MATTERS

Edward I. Murphy, Acting Director of Planning, reminded the members of the Implementation Committee (Commissioners Starbuck, Bierman, Dearman) of a meeting scheduled at 12:00 Noon next Thursday, May 27. The full Commission is scheduled to take a field trip at 1:00 p.m. on that date to visit properties which will be considered during the Zoning Hearing to be held on June 3.

Mr. Murphy advised the Commission that the Planning, Housing and Development Committee of the Board of Supervisors, meeting on Tuesday, had approved the Institutional Master Plan Ordinance with two amendments. Commissioners Bierman and Dearman requested the staff to look into the possibility of having the deleted language returned to the ordinance before it is adopted by the full Board.

Lynn E. Pio, Administrative Secretary, reported on modifications to the budget of the Department of City Planning for fiscal year 1976-77 as recommended by the Finance Committee to the full Board of Supervisors on Wednesday. The Committee's recommendation involved the deletion of three additional permanent positions from the budget. Commissioner Starbuck advised the Commission that the Finance Committee had also recommended deletion of more than \$2,000,000 from the Recreation and Park Department's Open Space Acquisition and Development Fund pending further justification of the proposed expenditures.

ADOPTION OF RESOLUTION APPOINTING MEMBERS OF THE NORTHERN WATERFRONT PLANNING ADVISORY COMMITTEE AND OUTLINING THEIR RESPONSIBILITIES.

Commissioner Rosenblatt distributed and read the draft resolution which had been prepared for consideration by the Commission. The draft resolution would appoint eighteen individuals to the Committee serving under Commissioner Rosenblatt's Chairmanship; and it outlined the responsibilities of the Committee. Two appointments to the Committee remain to be confirmed.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Mellon, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7498.

STAFF PRESENTATION OF PROPOSED RESIDENTIAL ZONING DISTRICT MAPS AND STANDARDS.

CONSIDERATION OF DRAFT RESOLUTION OF INTENTION WHICH WOULD INITIATE RECLASSIFICATION OF ALL OR PORTIONS OF THE RESIDENTIAL AREAS OF SAN FRANCISCO.

Robert Passmore, Planner V (Zoning), distributed and summarized a memorandum entitled "Residential Zoning Study: Proposed Zoning Maps and District Standards". The memorandum, which is dated May 20, 1976, is available in the files of the Department of City Planning.

Russell Watson, Planner II, elaborated on a section of the memorandum concerning building form, open space and amenities.

Daniel Soloman, Professor of Architecture at the University of California, Berkeley, presented and summarized a booklet which had been prepared under a grant made available by the National Endowment for the Arts which analyzed the effect of changes in San Francisco's residential zoning being proposed by the staff of the Department of City Planning. He indicated that the booklet would be available for public distribution next week.

Mr. Passmore stated that the Department of City Planning does not have sufficient funds in its current budget to print for public distribution copies of the maps indicating the proposed zoning changes on a lot by lot basis. However, such maps will be available in the offices of the Department of City Planning at 100 Larkin Street for public inspection. In addition, the San Francisco Planning and Urban Renewal Association (SPUR), had offered to reproduce the maps and to make them available to the public at cost. Prepaid orders may be addressed to SPUR at 414 Clement Street, Room 5. The cost for an entire set of maps would be \$12.50.

Individual maps will cost \$2.00 for the first copy and \$1.00 for each additional copy. He stated that the staff of the Department of City Planning will hold community meetings throughout San Francisco during the summer months to discuss the proposed zoning districts and the proposed changes in the text of the City Planning Code. Duly advertised public hearings will be held by the Commission on the proposed changes in the fall; and the Commission's recommendation will be transmitted to the Board of Supervisors for hearings in late 1976 or in early 1977.

Stephen Halpern, President of the Golden Gate Heights Association, felt that the zoning changes which had been proposed by the staff of the Department of City Planning fairly accurately reflected conditions which presently exist in his neighborhood. However, he was disturbed by the fact that the proposed zoning standards would permit, subject to conditional use approval by the Commission, the location of trailer houses in single-family residential districts. He was also concerned about the proposal to allow greater density for housing for the elderly; and he suggested that such housing should at least be the subject of design review.

Mrs. Hachiya, 2823 Laguna Street, stated that she had purchased her property with the anticipation of developing it in accordance with the existing zoning; and she was opposed to the proposed changes which would lower the density permitted on her property.

Nola Theobald, 1861 Union Street, represented the Union Street Association. She remarked that the staff of the Department of City Planning was recommending C-2 zoning for the north side of Union Street east of Steiner Street and R-C-1 zoning for the south side of the Union Street in that area; and she indicated that the Union Street Association was opposed to set "lop-sided" zoning.

Mr. Passmore explained that the Pacific Heights Association had previously filed an application requesting reclassification of a large portion of Pacific Heights, including the south side of Union Street; and the staff had included the reclassifications proposed by the Pacific Heights Association in its own proposals. R-C-1 zoning had been selected for the south side of Union Street since it would most closely approximate the zoning recommended by the Pacific Heights Association. However, since the staff of the Department of City Planning was not yet prepared to recommend that R-C-1 zoning would be appropriate for the area, it had proposed that C-2 zoning be retained on the north side of Union Street. In reply to a further question raised by Ms. Theobald as to what procedures would be required to return the south side of Union Street to its previous C-2 zoning, Mr. Passmore stated that the City Planning Commission would have to schedule a public hearing on the Pacific Heights Association's proposal to rezone the south side of Union Street to R-3-C and to formally disapprove that application.

Ed Weil, representing the Sunset-Parkside Education and Action Committee (SPEAK), advised the Commission that the comments which he wished to make were specific in nature; and he indicated that he would defer his comments until later in the meeting when the Commission was scheduled to consider the adoption of a draft resolution which would initiate the proposed reclassifications.

Louis C. Samuels, 31 Juanita Way, stated that he agreed with many of the recommendations which had been made by the staff; however, he suggested that greater coverage should be allowed on corner lots since most people would prefer to have the interior of blocks screened as much as possible from public view. He stated that he owns a vacant parcel of C-1 property at Noriega Street and 38th Avenue which has an area of 12,000 square feet; and he indicated that he had been working on plans for construction of a 20 unit apartment building on that site. However, if the Commission were to initiate the reclassification which had been proposed by the staff, he would be permitted to construct a maximum of 15 units on the property. While it would be possible to construct a lesser number of units and to make them larger, there is a demand for smaller units; and he felt that construction of 20 units on his property would serve the best interests of the city by providing a greater number of dwelling units. He hoped that the Commission would be able to exercise discretion over his plan and that it would not take any action which would mean that he will be prevented from constructing 20 units until such time as formal public hearings have been held and formal action has been taken on the proposed zoning changes.

At 4:00 p.m. President Lau announced a 20 minute recess. The Commission reconvened at 4:20 p.m. and proceeded with hearing of the remainder of the agenda. Commissioner Mellon was absent for the remainder of the meeting.

Jude Laspa, President of the Eureka Valley Promotion Association, stated that he intended to address the Commission in general terms during the afternoon session and to comment on specific problems later in the evening when the Commission was to consider adoption of a draft resolution initiating the proposed zoning changes. He indicated that his organization had requested that the proposed zoning reflect the existing situation where more than 50% of the buildings in a given area are of a similar type; and he felt that the staff's recommendations had been generally in line with that request. However, he was concerned about application of the proposed standards which would allow additional density in residential districts through conditional use procedures.

Mark Winogrand, Planner II, advised Mr. Laspa that such conditional use in residential districts had not been included on the proposed zoning maps except in cases where neighborhood organizations had specifically asked for such rezoning.

Mr. Laspa stated that he was also somewhat concerned about the proposal to establish an R-C-1 District in his neighborhood. He hoped that properties presently zone C-2 would be thoroughly reviewed before final action is taken to rezone them to R-C-1; and he felt that special attention should be given to R-3 properties which may be rezoned to R-C-1. He indicated that he found the staff's proposals for "transferable open space" to be confusing; and he suggested that it would be preferable to continue the rear yard standards which have been in effect as interim controls. As he understood the proposal for "transferable open space", it would allow encroachments into the rear yard area of a lot if alternate usable open space were provided elsewhere on the site. But he felt that provision of open space in the interior portion of city blocks is a great asset; and, in any case, he did not feel that new procedures should be put into effect before people

have had an opportunity to study them and to become familiar with them. He also suggested that the administrative aspects of the proposed text language should be strengthened to require developers and architects to deal with neighborhood organizations before spending a great deal of money on preparation of plans for a proposed building, particularly when something out of the ordinary is being proposed.

Effie Schwarzschild, 363 Douglas Street, felt that the "down-zoning" reflected in the staff's proposal would enhance the quality of life in San Francisco; and she indicated that she was appreciative of the fact that her own property was being "down-zoned" from R-2 to a single-family district. However, she remarked that the Board of Permit Appeals can destroy the work being done by the City Planning Commission by legalizing illegal uses; and she urged that the members of the Board of Permit Appeals be invited to community meetings where the proposed zoning is to be discussed so that they will be familiar with what the Commission is trying to achieve.

Dorice Murphy, a member of the Board of Directors of the Eureka Valley Promotion Association, advised the Commission that she owns two properties which are presently zoned R-2 and which will be reclassified to R-H-1 and a third parcel of property which is vacant and which will be rezoned from R-3 to R-H-1; and she indicated that she was pleased with the recommendations which the staff had made. She believed that adoption of the proposed zoning changes would start to make the city more livable. She agreed with Ms. Schwarzschild that the provisions of the City Planning Code should be giving greater protection against arbitrary actions of the Board of Permit Appeals; and she urged the Commission to adopt text language which would make the City Planning Code stronger in that regard.

Bert Schwarzschild, 363 Douglas Street, concurred with the statements which had been made by his wife. He urged the Commission to adopt the proposed zoning changes so that the city would remain livable; and he asked that the Commission act quickly to initiate the rezonings so that the Department of City Planning would not be inundated with building permit applications taking advantage of existing zoning.

Elsa Strait, representing the Grand View Neighbors, stated that she was very pleased with the recommendations which had been made by the staff of the Department of City Planning. However, she advised the Commission that she lives in a hilly area; and, if the concept of building length averaging were to be applied, allowing structures to encroach into required rear yard areas, such structures would cast properties lower on the hill in her neighborhood in shade.

Vincent Walsh, 1327 11th Avenue, stated that he is a contractor. He remarked that neighborhood representatives seemed to be quite conversant with the proposed zoning changes; but everything which was being discussed was totally new to him. He noted that the Commission had previously adopted different interim residential zoning controls; and he had assumed that those controls would remain in effect until such time as new city-wide controls are formally adopted by the Commission. Yet, he understood that the act of initiating consideration of the new zoning controls would put those new controls into effect on an interim basis. He believed

that the Commission was trying to control design through legislation; and because of the restrictions which the Commission has already placed on residential properties, it is impossible to provide housing at prices which people can afford. He acknowledged that neighborhood representatives do have a genuine concern; but he emphasized that the city's existing neighborhoods were provided by builders. During the staff presentation, a series of photographic slides had been shown which depicted the worst type of residential buildings which have been constructed in San Francisco recently; but he remarked that there are bad structures of all types in the city. It appeared to him as if one- and two-family houses were being singled out by the Commission for "architectural review"; and he did not feel that such an approach was fair. He urged the Commission to continue the interim residential zoning controls and to defer action on initiating the proposed zoning standards until such time as everyone has had an opportunity to become familiar with those standards.

George Rodriquez, President of the Mission Merchants Association, read the following letter which he had previously addressed to members of the Commission:

"The Mission Merchants Association has repeatedly, during the past year, requested a Planning Department joint study of the commercial needs and facilities of the Mission, leading to a Mission Commercial District Plan.

"Recently, this study (jointly with the Mission Merchants Association and with the cooperation of other groups in the Mission) has been initiated. It seems altogether reasonable and consistent with accepted planning practice, that the process should entail: data gathering, problems and opportunity definition, alternative evaluation, Plan formulation and adoption, then leading to appropriate zoning classification.

"The Mission Merchants Association respectfully urges the San Francisco Planning Commission to continue to adhere to this rational Planning Process. Upon completion and adoption of the Mission Commercial District Plan, the appropriate zoning classification can then be known and understood by all concerned. We, therefore, ask that any zoning reclassification in the Mission Commercial area be deferred until that time."

Robert M. Witcher, 943 Steiner Street, stated that he is going into business as a developer. He remarked that it had taken the staff two years to prepare recommendations for the residential rezoning; and he urged the members of the Commission to take a reasonable amount of time to consider the results of the staff's efforts before initiating the proposed reclassification.

Jack Bartalini, representing the Committee for Taxpayer's Survival, stated that the proposed rezoning would lower the value of residential properties in San Francisco; and the properties will eventually have to be reassessed. The City's tax base will be destroyed; and every resident of the city would be affected. He was also concerned about the consistency of zoning. He emphasized that individuals purchasing property do so in reliance of the zoning which applies at the date of purchase; and, in many instances, purchasers pay a premium for development potential afforded by the zoning. Furthermore, the Assessor takes zoning

into account when assessing property. Under the circumstances, he did not feel that it would be fair for the Commission to reduce the density permitted on property throughout San Francisco; and, in fact, he believed that such action would be tantamount to stealing something of value from property owners without compensation in return. Finally, while he agreed that it is important to preserve the beauty of the city, he felt that the approach proposed by the staff of the Department of City Planning was completely wrong from a practical standpoint.

Bill Wilson, representing the Council of District Merchants, remarked that he believed that the staff recommendations, while basically relating to residential properties, would affect some of the commercial areas of the city. For instance, some properties which are presently zoned C-2 would be reclassified to R-C-1 or R-C-2, both being districts which would be more restrictive than C-2 in nature. He stated that the members of his organization had not had the opportunity to discuss the proposed reclassifications with the staff of the Department of City Planning; and he urged the Commission to defer action on the proposed initiation of the reclassifications so that interested individuals and organizations could become more familiar with the staff's recommendations.

Mr. Passmore stated that the staff of the Department of City Planning had not proposed the reclassification of specific parcels of property from C-2 to R-C-1 or R-C-2 although the proposed amendments to the text of the City Planning Code would provide for the establishment of new combined commercial-residential districts in the future. He indicated that the mapping of such districts will be discussed as the staff of the Department of City Planning meets with interested organizations and groups during the summer months; and he stated that the staff would meet with representatives of the Council of District Merchants to discuss the matter.

John Rainsford, 1370 33rd Avenue, advised the Commission that he is a builder and indicated that he was present because the recommendations of the staff of the Department of City Planning would affect him financially. He noted that the Pacific Heights Association had filed an application for "down-zoning" of a large number of properties but had not yet requested that a hearing day be set; and that association's proposals had been incorporated into recommendations which had been made by the staff of the Department of City Planning. He stated that he had purchased property in Pacific Heights with the intention of developing it in accordance with the zoning which applied on the day of purchase; but it now appeared that he, as a property owner, had no ability to demand that immediate action be taken on the Pacific Height Association's reclassification request so that he would know whether or not he could build as he had intended. If the property is "down-zoned" the cost of whatever units are constructed will have to be increased to make up his deficit; and the new owners or tenants will have to bear that cost. He remarked that the interim residential zoning controls were fairly clearly defined and understandable; and he felt they should be continued in effect until the new controls have been thoroughly discussed and formally adopted by the Commission. In any case, he believed that the Commission should give a reasonable notice to the public before acting on the initiation of the proposed zoning standards so that builders and developers would have a fair chance to file building permit applications before they are pre-empted from doing so.

Calvin Welch, representing the Haight-Ashbury Neighborhood Council, remarked that the Haight-Ashbury Neighborhood was one of the first neighborhoods in the city to undergo large-scale "down-zoning". While people predicted that "down-zoning" would decrease the value of properties, property values and rents have, in fact, increased since the "down-zoning". Furthermore, while some jobs might have been lost because of the lack of new constructions, jobs had been made available by rehabilitation projects. In addition, 16 new dwelling units had been constructed in the neighborhood since the "down-zoning". He indicated that representatives of his organization had discussed the new zoning standards with the staff of the Department of City Planning and thought that they had reached an agreement; but some of the recommendations which had been made by the staff had not been expected. One of the goals of his organization is to protect existing residential structures from institutional expansion. Yet, a block located directly across the street from the University of California Medical Center, which had previously been zoned for residential use, would be reclassified to R-C-1 if the Commission were to initiate the proposed reclassification as recommended by the staff. He noted that a hotel has been proposed for that property. The hotel would have been prohibited under the prior residential zoning; but it could be authorized as a conditional use by the Commission if the property were to be reclassified to R-C-1. Therefore, if the Commission were to act immediately to initiate the proposed rezonings, he hoped that it would initiate RH-2 zoning rather than R-C-1 zoning for the block in question. He stated that he was totally confused by the concept of "transferable open space". With regard to the proposed institutional districts, he indicated that he would be concerned about where the lines are drawn to define such districts. For instance, he noted that St. Mary's Hospital owns apartment buildings; and he wondered if a proposal would be made to include those apartment buildings within the institutional district pertaining to the hospital. Finally, he noted that the staff had proposed to reduce the minimum lot-size requirement for planned unit developments from 3 acres to $\frac{1}{2}$ acre; and he felt that a great deal of "mischief" could arise from that proposal.

Mr. Passmore, stated that the owner of property in the block across the street from the University of California Medical Center had filed a conditional use application for authorization to construct a hotel on the site; and an environmental impact report is presently being prepared for that project. The staff had incorporated pending applications into its recommendations so that they could be considered by the Commission in due course. If the property in question were to be reclassified to RH-2, the effect would be to disapprove the conditional use application which had previously been filed without a hearing.

Commissioner Bierman asked if there were any intermediate districts between RH-2 and R-C-1 in which a hotel could be considered. Mr. Passmore replied in the negative.

Toby Levine, representing the Mission Planning Council, stated that she had no profound problems with the recommendations of the staff of the Department of City Planning except in one instance. The staff had recommended RM-2 zoning for properties on Dolores and Guerrero Streets in the vicinity of Clinton Park, where as the prevailing density is less than would be permitted in the proposed district

She noted that the plan which had been prepared for the Mission district by the Mission Housing and Development Corporation had proposed that no zoning more intensive than R-3 should be applied in the Mission district; and she felt that the most comparable district in the proposed schedule of zoning districts would be RM-1.

At 5:40 p.m. President Lau announced a dinner recess. The Commission reconvened at 7:20 p.m. and continued its consideration of the calendared items.

Arden Danekas, representing the Planning Association for the Richmond, stated that he was of the opinion that the existing situation in certain parts of his neighborhood was not accurately reflected in the zoning which had been recommended by the staff of the Department of City Planning; but he indicated that he would discuss his specific concerns with the staff later. He regarded the "transferable open space concept" as proposed by Professor Solomon to be in essence an intellectual exercise; and he felt that inclusion of that concept in the code would cloud the code with uncertainty. He believed that the "transferable open space" concept would inevitably result in situations in which developers would interrupt an existing pattern of development; and, in the end, he believed that the concept would be unworkable. He suggested that the proposed zoning standard should provide greater opportunity for design review. Finally, he remarked that the proposed zoning standards would allow too many types of non-residential uses in residential areas through the conditional use procedure. With so many "aces wild" there would be too much uncertainty. In conclusion, he urged the Commission to establish the most restrictive usage possible for residential districts.

Lin Kim Lennie Lee, 702 8th Avenue, stated that many residents of the Richmond district are Chinese people who do not speak English and who do not feel comfortable coming to City Hall; and she requested the Commission to hold a meeting in her home to discuss the proposed zoning standards with such individuals.

Mr. Passmore stated that the staff of the Department of City Planning would arrange to attend a meeting in Mrs. Lee's home.

President Lau requested that the staff hold neighborhood meetings in Chinatown, also.

Mr. Winogrand stated that the staff would be willing to meet with any group or organization in their own neighborhood at their convenience.

Chris A. Beckman, 357 Connecticut Street, remarked that while he speaks English, most of the rhetoric which he had heard during the course of the Commission's meeting had not been understandable to him. He stated that he had purchased his property two years ago. The property was zoned R-3 and was occupied by a house which is more than 100 years old. He had planned to develop the property with a three unit building which would be 40 feet in height. However, if he had a proper understanding of the RH-2 district which was proposed for his property, it would restrict him to one-dwelling unit with a height of only 32 feet on the site.

Mr. Passmore advised Mr. Beckman that any lot zoned RH-2 would be permitted to have two-dwelling units regardless of the size of the lot. Furthermore, a building with a height of 40 feet could be authorized in an RH-2 district through the conditional use procedure.

Mr. Beckman stated that the proposed zoning standards would increase the amount of open space which would have to be made available on his property; and, as a result, the amount of buildable area would be reduced.

Jude Laspa, President of the Eureka Valley Promotion Association, stated that there were a few specific areas in which the zoning recommended by the staff of the Department of City Planning did not reflect existing conditions; however, he felt that those problems were of a low magnitude. For instance, the staff had recommended RH-3 zoning for certain blocks while he felt that RH-2 zoning would be more appropriate since two-thirds of the buildings in the blocks are limited to single or two-family use. He advised the Commission that his association had already filed a request for reclassification of R-4 properties west of Castro Street to R-2 since there are a significant number of vacant properties in that area, some of which would accommodate 100 unit buildings under the R-4 standards. He urged the Commission to proceed with initiation of the zoning classifications which had been recommended by the staff and indicated that he would be prepared to work with the staff during the summer months to "iron out" details in the problem areas. He then asked what effect the staff recommendation for reclassification of certain R-3 areas in his neighborhood to R-C-1 would have during the interim period.

Mr. Passmore replied that the standards of the R-3 district are more restrictive than the standards of the R-C-1 districts; and, therefore, the standards of the R-3 district would prevail during the interim period.

Mr. Laspa stated that he felt that the concept of residential/commercial districts was basically a good idea; and, he felt that such districts would be appropriate on upper Market Street where properties presently zoned for commercial use have a substantial number of dwelling units which should be preserved. However, he indicated that he was somewhat concerned about the prospect of reclassifying residential properties for mixed residential/commercial use. With regard to the concept of "transferable open space", he remarked that he found the concept to be most confusing at the present time; and he recommended that those provisions be deleted for the time being and until such time as people have an opportunity to study them thoroughly. In conclusion, he urged the Commission to initiate the remainder of the staff proposals during the course of the present meeting so that a flood of building permit applications based on current zoning is not precipitated.

Commissioner Rosenblatt asked Mr. Laspa to elaborate on his objection to the "transferable open space" provisions as recommended by the staff. Mr. Laspa replied that he feared that those provisions would provide an opportunity for developers to extend new buildings into required rear yard areas on a massive scale.

However, his main problem was that he did not really understand the provisions which the staff was recommending; and he would feel more comfortable if the interim residential zoning controls applying to rear yard areas were to be extended since those controls had already been tried and tested.

Commissioner Dearman stated that she felt that the "transferable open space" concept might have a beneficial application if it could be used to rescue existing homes from a "tunnel" effect created by houses on other side extending further into their rear-yard areas.

Mr. Laspa acknowledged that the concept of "transferable open space" might provide some benefits; but he was bothered by the fact that he had not had an opportunity to study and evaluate the concept. He stated that neighborhood associations had fought very hard to achieve the interim zoning controls which had provided protection for rear yard areas; and, since those controls had generally proven to be satisfactory, he would be reluctant to abandon them for an unknown quantity.

Commissioner Bierman noted that a number of speakers had expressed concern about the concept of "transferable open space" and had indicated that they did not feel comfortable with the approach being recommended by the staff; and she stated that she shared their concerns. She felt that people should have a chance to study something which was essentially a brand new concept before it is initiated by the Commission; and, therefore, she suggested that the Commission should postpone enactment of the "transferable open space" provisions until the fall.

Mr. Passmore stated that the staff felt that the concept of "transferable open space" might have considerable merit; however, there was some question as to whether the concept would in fact be workable. Therefore, the staff was anxious to have the opportunity to work with developers during the summer months to see if application of the concept of "transferable open space" would have beneficial results. If the concept does prove to be unworkable, it would be easier to delete the provisions from the interim controls than it would be to delete them from an ordinance adopted by the Board of Supervisors in the future.

Commissioner Bierman asked if the staff had discussed the concept of "transferable open space" with neighborhood organizations. Mr. Passmore replied in the affirmative but acknowledged that the concept had been formulated fairly recently.

Mr. Winogrand observed that the Commission could exercise its power of discretionary review in cases where projects utilizing the "transferable open space" provisions meet the letter of the law but not its intent.

Mr. Laspa stated that neighborhood organizations do not like being in a position of trying to find out what is happening; and it is always difficult to have projects disapproved if they are in compliance with the code. In any case, if developers would be allowed to encroach into the rear yard areas under certain circumstances, he felt that there should also be a provision requiring them to provide larger rear yards than are ordinarily required under other circumstances.

Mr. Watson stated that increasing the rear yard areas on certain lots would result in houses having a length of less than 50 feet; and the staff had been advised that family housing cannot be provided in buildings having a length of less than 50 feet.

Mr. Laspa stated that he felt that family housing could be provided in buildings with a length of less than 50 feet; but he acknowledged that it would probably not be possible to provide family housing in buildings with a length of less than 40 feet. He hoped that the Commission would delete the provisions relating to "transferable open space" from the staff recommendation and that it would initiate the remainder of the staff recommendations during the course of the present hearing.

Ed Weil, representing the Sunset-Parkside Education and Action Committee (SPEAK), stated that his organization agreed with most of the recommendations of the staff of the Department of City Planning. However, his organization had conducted surveys of residents of the neighborhood; and, based on the results of their surveys, they were prepared to recommend that certain changes be made in the zoning pattern recommended by the staff of the Department of City Planning. Judah Street between 19th Avenue and Sunset Boulevard is presently zoned R-3 with the exception of a small C-2 district between 30th and 32nd Avenues. Most of the properties along the street are developed with duplexes; and the street is well served by public transit. Residents of the street had indicated that they felt that some increase in density would be appropriate; and, therefore, his organization was requesting that properties along the street be reclassified to R-M-1 rather than to R-H-2 as recommended by the staff of the Department of City Planning.

Mr. Passmore stated that the staff had advised neighborhood groups that requests for changes in the zoning maps could be made before the full Commission during the present meeting; however, the staff was not prepared to recommend approval of the request which had been made by Mr. Weil.

President Lau asked if it would cause any problems for the staff if the Commission were to defer action on initiation of the proposed zoning standards for one week. Mr. Passmore replied that such a delay would cause no problems for the staff; however, he noted that representatives of neighborhood organizations had expressed concern that such a delay might result in a flood of building permit applications being filed.

Commissioner Bierman observed that the interim residential zoning controls would still be in effect in any case.

Commissioner Rosenblatt asked Mr. Weil if he would prefer to have the Commission initiate the zoning standards recommended by the staff during the present meeting or to delay action for one week so that further consideration could be given to the changes which were being requested. Mr. Weil replied that he would prefer for the Commission to take action during the present meeting even if he was not in complete agreement with the zoning which had been recommended by the staff. Mr. Laspa agreed that it would be preferable for the Commission to act during the present meeting.

Mr. Weil stated that the staff of the Department of City Planning had recommended that properties along the lower Great Highway from Ortega Street to Taraval Street be zoned RH-1; and his organization was requesting that those properties be classified R-H-2. In addition, the staff had recommended that properties on 22nd and 24th Avenues between Santiago and Taraval Streets be zoned RH-1; and his organization was requesting that those properties be zoned R-M-1. He stated that his organization felt very strongly about the three changes which they had requested; and he urged the Commission to make those changes on the map before taking action to initiate the new zoning standards.

Louis C. Samuels, 31 Juanita Way, felt that the Commission should delay initiation of the proposed zoning standards so that members of the public could have an opportunity to familiarize themselves with the staff proposal. He did not feel that a great number of building permit applications would be filed during the interim; and, in any case, those applications would be governed by the interim residential zoning controls. Furthermore, the Commission could always exercise its power of discretionary review over any application for a building which might have a detrimental effect on the neighborhood in which it is proposed.

Mr. Laspa remarked that the zoning standards which were now being proposed by the staff of the Department of City Planning would be much more restrictive than the interim residential zoning controls which have been in effect.

Nola Theobald, representing the Union Street Merchants Association, restated her concern about the fact that the staff of the Department of City Planning had incorporated a reclassification proposal filed by the Pacific Heights Association into its own recommendation with the result that the north side of Union Street would be classified C-2 while the south side of the street would be classified R-C-1.

Commissioner Finn asked if initiation of the staff's recommendation for zoning along Union Street would effectively result in approval of the application which had been filed by the Pacific Heights Association. Mr. Passmore replied in the negative, indicating that initiation would result only in a "holding action".

At 8:50 p.m. President Lau announced a 20-minute recess. The Commission reconvened at 9:10 p.m. and proceeded with consideration of the calendared items.

Claudia Viek, a Child Care Task Force Coordinator, read and submitted the following letter which had been prepared by Kathryn Witcher, Chairperson of the Child Care Initiative Task Force:

"The Childcare Task Force would like to submit recommendations for zoning changes, for consideration by the City Planning Commission.

"The Task Force was established by the San Francisco Board of Supervisors and charged with developing an implementation plan for increased childcare services in the City. The following recommendations, if adopted, would increase the availability of new sites for childcare programs in neighborhoods where the service is most needed:

- 1) Eliminate Planning Code requirement of 100 square feet of open space per child. The State requirement of 75 square feet per child would then be in effect, regulated through the State Department of Health.
- 2) Allow childcare facilities with 10 or fewer children to be permitted in any residential area as a right, thus eliminating expense and time loss which the Conditional Use procedure involves.

"Furthermore, the Task Force would appreciate assistance from the Planning Commission in exploring alternative methods of meeting severe earthquake requirements in the Building Code. Large, old, single-family homes might be allowed as mixed use - as residences and as childcare facilities. This would retain residential use of these mansions, which we know is a concern of the Commission, while expanding needed childcare services to the Community.

"The Task Force would like to request the support of the Planning Commission for the establishment of a single office responsible for processing all the applications to various City Departments for inspection of proposed childcare facilities. Such an office would speed up the licensing process and be in a position to provide technical assistance and support to potential childcare operators."

Mr. Passmore stated that both of the changes mentioned in the letter had been incorporated into the staff recommendations.

Bert Schwarzschild, 363 Douglas Street, felt that it was imperative for the Commission to initiate the staff recommendations during the present hearing in order to protect the residents of the city against a proliferation of building permit applications. He emphasized that public hearings would be held by the Commission before the proposed zoning changes are formally enacted in any case. He stated that the zoning which had been recommended by the staff of the Department of City Planning fairly accurately reflected existing land use in the neighborhoods; and any errors or discrepancies could be resolved during the course of the meetings to be held throughout the summer. Some of the builders who had addressed the Commission on the subject had indicated that they had not had an opportunity to become familiar with the proposed standards; but he felt that they could have been as much involved in development of the standards as neighborhood organizations if they had so desired.

John M. Sanger, representing the Duboce Triangle Neighborhood Association, stated that his organization was pleased with the recommendations of the staff of the Department of City Planning as they related to their neighborhood with two exceptions; and he believed that those problems could be resolved during the course of the summer. Despite the two differences of opinion, he felt that it was important for the Commission to act during the course of the current meeting to initiate the zoning standards which had been recommended by the staff of the Department of City Planning.

Vincent Walsh, 1327 11th Avenue, felt that the Commission was being asked to act as a "kangaroo court". The staff of the Department of City Planning had taken two years to complete its study and had claimed that it did not have enough money to reproduce the maps of the proposed zoning changes for public distribution; and it seemed unbelievable to him that the Commission would act to initiate and to put it into effect zoning standards which the public had had no opportunity to study. While neighborhood organizations seemed to be totally conversant with the proposed standards, he was totally ignorant of what was being proposed; and he did not know how the proposed standards would affect builders. He believed that there had been a conscious effort made to keep builders in the dark and to impose new controls which would have an immediate and detrimental impact on the building industry. He advised the Commission that he does not own any property which would be specifically affected by the proposed standards; but he believed that builders who do own building sites would be able to get an injunction against the new zoning standards. In conclusion, he urged the Commission not to initiate the new zoning standards until it has given a fair hearing to individuals who might be opposed to the proposed controls.

Mrs. Mary Sutro, representing the Russian Hill Association, supported representatives of other neighborhood organizations who had urged the Commission to initiate the new zoning controls during the course of the current meeting. She remarked that the staff of the Department of City Planning had worked with a large number of neighborhood organizations representing all residential sections of the city; and, while she did not agree with every single one of the staff's recommendations, she felt that the staff had done an excellent job. In conclusion, she emphasized that action on the part of the Commission to initiate the proposed zoning standards during the course of this meeting would not be irrevocable.

Dan Rolfs, representing the North Point Association, stated that he shared the sentiments which had been expressed by Mrs. Sutro.

Mr. Samuels stated that he was sympathetic to the concerns of the various neighborhood organizations and the work of the staff of the Department of City Planning. However, he noted that the first paragraph of the staff memorandum dated May 20 indicated that the report had been prepared "to submit for widespread public review and comment detailed lot-by-lot zoning reclassification maps and standards found by the staff to be most appropriate for consideration for the residential areas of San Francisco". However, the staff was recommending that the text and map amendments be adopted the same day as they were published; and, under the circumstances, he could only regard the language in the memorandum as a form of "double speak". He stated that he had noted errors on the maps which had been posted on the wall of the meeting room; and he urged the Commission to defer its initiation of the proposed changes so that members of the public would have an opportunity to review the maps before the new zoning standards are put into effect. While he recognized that a large influx of building permit applications based on prior zoning could controvert the work which had gone into the residential zoning study, he regarded the situation as being much different from that of 1963 when new R-3 standards were proposed; and he felt that the interim residential zoning controls are restrictive enough to protect the city's residential areas for thirty additional days while the general public is given an opportunity to review the proposed standards.

Mr. Passmore stated that the staff had made an effort to provide as much information as possible concerning the residential zoning study to neighborhoods and interest groups, including users as well as providers of housing. More than 200 neighborhood organizations had been contacted; and, in addition, information had been provided to builders, professional groups, the American Institute of Architects, the Chamber of Commerce, realtors, and other special interest groups. However, he acknowledged that most of the input into the study had been provided by neighborhood organizations. He stated that a number of builders, including Mr. Walsh, had received the November 20 memorandum which had been prepared by the staff of the Department of City Planning on the Residential Zoning Study and which provided the basic information regarding the zoning districts which were now being proposed. While neither builders nor neighborhood organizations had been given maps showing the zoning to be proposed on a lot-by-lot basis, the neighborhood organizations, who had worked closely with the staff of the Department of City Planning, were in a better position to know what to expect. He felt that it would be difficult to predict what effect might result from postponement of Commission action on initiation of the proposed standards, but he indicated that there are areas of the city where higher density problems could arise. Nevertheless, those problems could be handled by the Commission through exercise of its discretionary review powers. He stated that the staff of the Department of City Planning had been prepared to recommend that the proposed zoning standards be initiated during the present meeting. Although some people might feel better about the situation if the Commission were to delay its action, he anticipated that very few changes would be made in the proposals within one month's time. He did not feel that there was a significant difference between the zoning which the staff had recommended for Dolores and Guerrero Streets in the vicinity of Clinton Park and the zoning classification which had been requested by Ms. Levine. Consequently, he recommended that the staff's recommendation be sustained. Mr. Weil of the Sunset Parkside and Education and Action Committee (SPEAK) had requested that three changes be made on the maps. The first change, relating to Judah Street between 19th Avenue and Sunset Boulevard stemmed from a request of residents of the street; and it seemed to him that that was a sound reason for making the change which Mr. Weil had requested. He did not feel that the change requested for the lower Great Highway between Ortega and Taraval Streets was significant; and, therefore, he recommended that the zoning proposed by the staff be retained. The third request had related to properties on 22nd and 24th Avenues between Santiago and Taraval Streets; and he indicated that he was not familiar enough with that area to offer a recommendation to the Commission. He asked Mr. Weil if his organization had made a survey of people living in that area.

Mr. Weil replied in the negative. However, he indicated that the merchants association in that area had requested the change; and he stated that his organization agreed with the merchants association that the change would be desirable.

Mr. Passmore remarked that Mr. Welch of the Haight-Ashbury Neighborhood Council had requested that properties in Block 1275, which is located across the street from the University of California Medical Center, not be given an R-C-1 classification. He noted that he had previously explained why the staff had recommended an R-C-1 classification for those properties. While he agreed with

Mr. Welch that R-C-1 zoning would ultimately be inappropriate in that area. He indicated that the staff had not been able to think of any other classification which would allow the conditional use application which has already been filed to be processed. The only alternative open to the Commission would be to reclassify the property to a residential district and to specify that hotels could be considered as conditional uses in that district; but he felt that hotels should be considered as inappropriate uses in residential districts. He recommended that the staff recommendation be sustained and indicated that the staff would be willing to change its recommendation if the outstanding conditional use application has not been acted upon by the Commission when formal action is taken on the proposed zoning standards in the fall.

Commissioner Bierman asked if the conditional use application for construction of a hotel across the street from the University of California Medical Center is the only conditional use application on file in the Department of City Planning which would be affected by initiation of the proposed zoning standards. Mr. Passmore replied in the affirmative.

Mr. Passmore remarked that the one additional change which had been requested in the proposed zoning standards was deletion of the provisions for "transferable open space", and he indicated that his recommendation was that those provisions be retained to enable the staff to determine if the provisions are in fact workable. He then read a draft resolution, as follows, and recommended its adoption:

"WHEREAS, In recognition of the growing need to consider the adequacy of residential zoning in San Francisco, and to make zoning more suitable to present-day concerns and expectations of the people of the city, on August 2, 1973 the City Planning Commission authorized a comprehensive study of residential zoning throughout the City; and

"WHEREAS, In response to widespread concerns of residents as to what might occur in neighborhoods during the time that the study was taking place, interim residential zoning controls were adopted as a kind of holding action; and

"WHEREAS, Said interim controls were adopted for a two-year period which lapses on July 1, 1976 with the expectation by the Board of Supervisors that final revisions in zoning districts and standards would be proposed by the Department of City Planning by that time, and that these revisions could serve as new interim controls during the hearing process that must take place prior to final adoption.

"WHEREAS, The Residential Zoning Study, commenced in July 1974, has included involving neighborhood and other interest groups in the study, reviewing and analyzing residential zoning issues and concerns as seen by both residents and Department staff (Neighborhood Issues Papers, May 1975), preparing citywide residential zoning policies (memorandum to City Planning Commission, March 6, 1975) analyzing other contemporary

zoning ordinances for concepts and techniques adaptable to residential development in San Francisco, collecting background data necessary for drafting of standards, districts and mapping proposals, and outlining types of districts and controls to be considered during the study (Memorandums to City Planning Commission, August 21, 1975 and November 20, 1975, and memorandum to Director of Planning, February 2, 1976); and

"WHEREAS, On May 20, 1976 the Department of City Planning submitted to the City Planning Commission detailed zoning maps and standards for reclassifying all of the residential areas of the city based on the outline of zoning districts and standards submitted to the City Planning Commission in November 1975; and the City Planning Commission received public testimony both in favor of, and in opposition to, the general nature of the proposed maps and standards; and

"WHEREAS, Enactment of permanent standards and control for new residential zoning regulations on a citywide basis can only occur after a lengthy period of public hearings before the City Planning Commission; and

"WHEREAS, In the interim the Commission believes there is a need for controls that will protect the residential areas from adverse construction during the hearing process, particularly after the present Interim Residential Zoning Controls under Section 160 of the City Planning Code lapse on July 1, 1976.

"THEREFORE, BE IT RESOLVED, That the City Planning Commission does hereby declare its intention to reclassify property throughout the City and the County of San Francisco and amend the text and maps of the City Planning Code as proposed on the maps titled 'Proposed Residential Zoning Districts' as presented by the Department of City Planning staff to the City Planning Commission, May 20, 1976, Sheets 1 through 13; the memorandum titled 'Residential Zoning Study: Proposed Zoning Maps and District Standards' dated May 20, 1976; the tables titled 'Permitted Residential Uses and Non-Residential Uses Permitted in Residential Districts'; Zoning Regulations for RH-1(D), RH-1, RH-2, RH-3, RM-1, RM-2, RM-3, RM-4, RA-1, RA-2, RA-4, R-C-1, R-C-2, R-C-4, PR districts; the new document titled Building Averaging, Typical Situations Sheets 1 through 5 and Table A, Maximum Percent of Feature Credited to Usable Open Space Requirements all as submitted by the Department of City Planning to the City Planning Commission on May 20, 1972.

"AND BE IT FURTHER RESOLVED, That this declaration of intention and the controls and procedures hereunder shall remain in effect, unless modified by further resolution of this Commission, until the effective date of permanent new zoning maps and controls enacted by the Board of Supervisors.

"AND BE IT FURTHER RESOLVED, That the Zoning Administrator is hereby directed to set a time and place for hearing on these citywide residential zoning maps and controls, which time shall be within a reasonable period after the date of this resolution allowing for study and refinement of the maps and controls specified in this resolution".

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It was moved by Commissioner Finn and seconded by Commissioner Bierman that the draft resolution be adopted.

Commissioner Bierman stated that she felt that the draft resolution should be amended to incorporate the change which had been requested by Ms. Levine of the Mission Coalition; and, in addition; she felt that the zoning in the block across the street from the University of California Medical Center should be changed to a residential classification with a provision that hotels could be considered as conditional uses under that classification. She then moved that the draft resolution be amended to provide that properties on Dolores and Guerrero Streets near Clinton Park be designated with an RM-1 classification rather than with the RM-2 classification which had been recommended by the staff. The motion was seconded by Commissioner Finn.

Commissioner Dearman stated that she did not feel prepared to vote on the matters which were before the Commission; and she indicated that she had hoped that action would be postponed at least one week so that she would have an opportunity to familiarize herself in greater detail with the proposals. Under the circumstances, she intended to vote "no" on any amendments which might be proposed as well as on the main motion.

When the question was called on the motion to amend the draft resolution to incorporate a change of properties in those portions of Assessor's Blocks 3502, 3533, 3534, 3545 and 3546 designated RM-2 to be changed to RM-1, the motion passed by a vote of 5 to 1. Commissioners Bierman, Finn, Lau, Rosenblatt and Starbuck voted "Aye"; Commissioner Dearman voted "No".

It was then moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried 5 to 1 that the draft resolution be further amended to provide that lots in block 1275 across the street from the University of California Medical Center be designated with an RH-2 classification and that the text of the proposed district standards be amended to provide that hotels can be considered as conditional uses in RH-2 districts. Commissioners Bierman, Finn, Lau, Rosenblatt, and Starbuck voted "Aye"; Commissioner Dearman voted "No".

Commissioner Finn stated that he had problems with the concept of "transferable open space". He emphasized that the concept is new; and, while some favorable results might ensue from application of the concept, he was afraid of the possibility that use of the concept might result in buildings which are considerably more bulky than those which had been constructed in the past. Therefore, he moved that the "transferable open space" provisions be removed from the text of the district standards and that those provisions be replaced with language from Section 162 of the Interim Residential Zoning Controls. The motion was seconded by Commissioner Dearman.

Commissioner Starbuck stated that he regarded the concept of "transferable open space" to be one of the most innovative and exciting proposals which had resulted from the Residential Zoning Study; and, while he understood the concerns which had been expressed by residents of neighborhood organizations about the con-

cept, he felt that there was really very little possibility that any detrimental development would occur as a result of application of those standards during the summer months.

Mr. Passmore stated that the staff of the Department of City Planning would like to have an opportunity to test the concepts.

Mr. Watson stated that a number of architects had contacted him about the concept and had indicated that they were looking forward to working with it to see what could be accomplished. While the concept is relatively new, he did not feel that it could be characterized as "wildly experimental".

Mr. Passmore suggested that the Commission might wish to consider leaving the concept of "transferable open space" in the text of the district standards and adopting a separate resolution which would announce its intention of conducting a discretionary review of any building permit application proposing to take advantage of that concept.

Mr. Finn indicated that the compromise which had been suggested by Mr. Passmore would be acceptable and withdrew his motion. Commissioner Dearman withdrew her second of the motion. Mr. Passmore stated that the staff would prepare a draft resolution announcing the Commission's intention to conduct a discretionary review of any building permit application proposing to take advantage of the "transferable open space" concept; and he stated that the draft resolution would be presented to the Commission for consideration and adoption at its meeting next week.

Commissioner Finn then asked what had prompted the staff to recommend that lots as narrow as 16 feet could be permitted as a conditional uses in the various residential districts. Mr. Passmore replied that one of the problems which the staff had focused on during the course of the Residential Zoning Study related to ways of encouraging provision of housing for families with children; and one of the possibilities which had arisen was to combine two 25-foot lots and later subdivide them into three individual lots with smaller dimensions so that three separate houses could be developed. Since lot size reduction would require conditional use authorization from the City Planning Commission, he felt that the proposed provisions would not result in any adverse effect on the city's residential neighborhoods. In reply to a question raised by Commissioner Bierman, Mr. Passmore stated that the only 16-foot wide townhouses of which he was aware in San Francisco are in Cow Hollow. That development was very well done; but the housing is also very expensive.

Commissioner Finn stated that 16-foot wide townhouses had been developed in the Mission district; but those houses are very expensive, also. He then raised a question regarding the staff's proposal that trailer camps or houses should be allowed as conditional uses in all residential areas of the city. Mr. Passmore replied that trailer houses are presently permitted uses in residential districts; and the staff had felt that they should require conditional use authorization from

the Commission. He remarked that trailer houses were at one time banned in San Francisco by the Building Code; but State law had preempted the provisions of that ordinance. While trailer houses can be restricted to certain areas of the city, they cannot be banned entirely.

Commissioner Finn then moved that the draft resolution be further amended to provide that trailer houses should not be allowed as permitted uses or as conditional uses in RH-1, RH-2 or RH-3 districts. The motion was seconded by Commissioner Starbuck. When the question was called, the motion passed unanimously.

Mr. Passmore stated that he hoped that the Commission would be willing to reconsider the position which it had taken regarding trailer houses when formal action is taken on the new zoning standards in the fall because trailer houses may offer a way of providing additional low-cost housing for the city.

When the question was called on the main motion, as amended, the Commission voted 5 to 1 to adopt the draft resolution, as modified, as City Planning Commission Resolution No. 7499. Commissioners Bierman, Finn, Lau, Rosenblatt and Starbuck voted "Aye"; Commissioner Dearman voted "No".

Commissioner Rosenblatt suggested that the staff, in meeting with neighborhood groups to discuss the proposed zoning standards, take the opportunity to explain the concept of "transferable open space" in greater detail. He also congratulated Mr. Passmore, as project leader for the Residential Zoning Study, for the work which had been accomplished.

Commissioner Finn stated that he was surprised that representatives of the building industry had appeared before the Commission claiming that they knew nothing of the Residential Zoning Study. He stated that the staff of the Department of City Planning had contacted all major groups and organizations in the city; and, in view of the fact that the builders had been unwilling to participate in the study, he had found it difficult to react positively to their request for additional time to study the proposals.

Mr. Walsh stated that the builders were of the opinion that any information which they might have provided during the course of the study would have been used to work against them.

The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, May 27, 1976.

The City Planning Commission met pursuant to notice on Thursday, May 27, 1976, at 100 Larkin Street at 1:00 p.m.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Edward I. Murphy, Acting Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Lucian Blazej, Planner IV; Peter Groat, Planner IV - Urban Systems Analyst; Janis Birkeland, City Planning Coordinator; Alan Lubliner, City Planning Coordinator; Dave Fulton, Planner II; Edward Green, Planner I; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

1:00 P.M. - FIELD TRIP

Members of the Commission and staff departed from 100 Larkin Street at 1:00 p.m. to take a field trip to properties scheduled for consideration during the Zoning Hearing to be held on June 3, 1976.

2:15 P.M. - 100 LARKIN STREET

APPROVAL OF MINUTES

It was moved by Commissioner Mellon, seconded by Commissioner Dearman, and carried unanimously that the minutes of the meetings of April 8 and May 6, 1976, be approved as submitted.

CURRENT MATTERS

Edward I. Murphy, Acting Director of Planning, advised the Commission that the State and National Affairs Committee of the Board of Supervisors will hold a Special Meeting on Friday, May 28, at 2:30 p.m. in Room 228, City Hall. The Committee will consider adoption of a resolution endorsing SB1579 and SB2948 pertaining to development and conservation of the California Coast and acquisition of significant coastal lands. Also, in response to a request made by the City Planning Commission, the Committee will hold a public hearing on Proposition 15, the Nuclear Power Plants Safeguard Initiative.

Mr. Murphy informed the Commission that the Mayor has scheduled a "post-budget review" with the Department of City Planning on Wednesday, June 9, from 9:00 a.m. to 11:00 a.m. The Mayor has encouraged members of the Commission to attend this meeting.

Mr. Murphy reported that the Mayor had scheduled a public hearing on the 1977 Community Development Program to be held Thursday evening, May 27, in the Chambers of the Board of Supervisors. Members of the Commission requested that a presentation be made of the preliminary program for next year at an early date.

Mr. Murphy advised the Commission that the Finance Committee of the Board of Supervisors is reviewing the status of "frozen" permanent personnel requisitions. If funds for the positions are withdrawn, the Department may have to lay off one Planner I and one Planner II.

Mr. Murphy reported that the Board of Supervisors, at its meeting on Monday, had re-instated the affirmative action provisions in the proposed Institutional Master Plan Ordinance.

In response to a request made by the Commission during its meeting of May 20, Mr. Murphy distributed copies of a draft resolution which had been prepared by the staff to indicate the Commission's intention to exercise its powers of discretionary review over any building permit application taking advantage of the new "transferable open space" concept which might have a detrimental impact on surrounding properties. The Resolved clause of the draft resolution read as follows:

"THEREFORE BE IT RESOLVED, That the City Planning Commission hereby directs the staff to bring to the Commission's attention any building permit application proposing construction on property presently subject to the limitations of Section 162 of the City Planning Code that would exceed the building depth now permitted by Section 162 through use of the zoning controls initiated under Resolution No. 7499, and declares its intention to exercise the Commission's powers of discretionary review over any such building permit application that might result in a building that would be detrimental to surrounding properties."

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7500.

George A. Williams, Assistant Director-Plans and Programs, reported that a joint meeting of the Finance and Health and Environment Committees of the Board of Supervisors had been held on Wednesday at which time the proposal for the Neighborhood Centers Program was tabled pending provision of further information and commitments.

Commissioner Dearman called attention to a letter to the editor which had appeared in a recent edition of the San Francisco Progress. The letter, signed by Kamini K. Gupta, took issue with an editorial carried by the paper on April 28 which expressed the point of view that the Planning Commission should not involve itself in issues or matters which are under the jurisdiction of other Commissions. Mr. Gupta expressed the point of view that the Charter and the City Planning Code give the City Planning Commission a wide range of responsibilities; and he felt that if previous members of the City Planning Commission had discharged their re-

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sponsibilities effectively, some of the newer Commissions such as the Human Rights Commission and the Commission on the Status of Women would not have had to be established. With the concurrence of the Commission, Commissioner Dearman indicated that she would write a letter to Mr. Gupta expressing appreciation for his support.

President Lau remarked that he and Commissioner Mellon are serving on the Mayor's Select Committee on the Yerba Buena Center; and he indicated that it is the goal of that Committee to produce a plan by August 1. In that regard, he had spoken with the Director of Planning and with the Assistant Director-Plans & Programs asking for the cooperation of the staff of the Department of City Planning on that project.

PRESENTATION OF 1975 HOUSING INVENTORY REPORT

Peter Groat, Planner IV-Urban Systems Analyst, presented and summarized the report and responded to questions raised by members of the Commission. The report is available in the files of the Department of City Planning.

CONSIDERATION OF POLICIES TO GUIDE THE DEVELOPMENT OF A REGIONAL TRANSIT TERMINAL AT THE SITE OF TRANSBAY TERMINAL.

Edward I. Murphy, Acting Director of Planning, indicated that Commissioner Finn had requested that this matter be postponed for two weeks so that the staff recommendations could be coordinated with the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT).

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that this matter be postponed until the meeting of June 10, 1976.

CONSIDERATION OF POLICIES TO GUIDE DEVELOPMENT OF TRANSPORTATION IN THE GOLDEN GATE CORRIDOR.

George A. Williams, Assistant Director-Plans & Programs, stated that the City Planning Commission had endorsed a set of recommendations and guidelines for planning of transit improvements in the Golden Gate Corridor on May 8, 1975. One week later, on May 15, 1975, the Commission recommended a short range solution to the safety problems on the Doyle Drive portion of the corridor. Those policy recommendations which subsequently were adopted as a whole or in part by both the San Francisco Board of Supervisors and the Golden Gate Bridge, Highway and Transportation District. Mr. Williams stated that the purpose of the present presentation was to correlate the two Planning Commission actions of May, 1975, with other and subsequent developments in an updated San Francisco Planning policy response to issues in the Golden Gate Corridor.

Alan Lubliner, City Planning Coordinator, and Edward Green, Planner I, distributed and summarized a memorandum dated May 27, 1976, which contained background information and an updated set of recommendations for policies to guide development of transportation in the Golden Gate Corridor. The memorandum is available in the files of the Department of City Planning.

John Holmes, representing the Telegraph Hill Association, expressed support of the recommendations which had been made by the staff of the Department of City Planning and indicated that his organization was opposed to the undergrounding of diesel buses.

Norman Rolfe expressed general support for the recommendations which had been made by the staff.

Edward I. Murphy, Acting Director of Planning, recommended that the Commission endorse the staff memorandum.

After discussion it was moved by Commissioner Dearman and seconded by Commissioner Finn that the memorandum be endorsed by the Commission. Commissioner Finn complimented the staff for providing a very good synthesis of transportation issues relating to the Golden Gate Corridor in its memorandum.

When the question was called, the Commission voted unanimously to endorse the staff memorandum.

CONSIDERATION OF A DRAFT ORDINANCE GIVING PREFERENCE TO RESIDENTS FOR PARKING IN RESIDENTIAL NEIGHBORHOODS.

George A. Williams, Assistant Director-Plans & Programs, remarked that the staff had presented to the Commission on April 29 an interdepartmental report on parking in San Francisco; and he indicated that one of the recommendations contained in that report was that a preferential parking plan be developed to give parking priority to residents of San Francisco's neighborhoods. Subsequently, members of the Board of Supervisors had requested the staff of the Department of City Planning to prepare a draft ordinance which would establish procedures for setting up special parking zones for certain classes of motor vehicles displaying valid permits. He then distributed a report which had been prepared by the staff of the Department of City Planning on the issue of preferential parking; and he noted that a draft ordinance for establishment of a residential permit parking program was included in the report. The report, dated March, 1976, is available in the files of the Department of City Planning.

Dave Fulton, Planner II, summarized the provisions of the draft ordinance.

Commissioner Dearman noted that the draft ordinance would allow residents to obtain only five visitor permits during any calendar year; and she indicated that she felt that many residents would be inconvenienced by that provision if they are accustomed to entertaining overnight guest more often than five times a year. Commissioner Bierman agreed.

Mr. Fulton stated that the City Attorney's Office had added that language to the draft ordinance. The alternatives available were to provide for no visitors' permits whatsoever, to issue a given number of permits to each resident which could be distributed at the resident's discretion, or to provide that residents could obtain visitor permits good for a specific period of time from the Chief of Police. If the visitor permits were to be given directly to residents, some residents might be encouraged to sell them to commuters, thus defeating the purpose of the draft ordinance.

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Commissioner Dearman then noted that Section 312 (c) of the draft ordinance would allow use of bills for rent payment, gas or electric service, or water or telephone service to establish proof of residency; and she felt that that section of the ordinance should be more restrictive. Only a few specific documents are acceptable to the Board of Education as proof of residency when children are being enrolled in school; and she felt that the draft ordinance should rely on the same documents which are acceptable to the Board of Education.

Commissioner Mellon stated that he tended to favor amending the draft ordinance to provide that no visitors' permits would be issued whatsoever. Since he felt that many situations might arise in which people might give the permits to relatives or friends, thus subverting the basic purpose of the ordinance, which was to give special consideration to residents of San Francisco's neighborhoods.

Commissioner Bierman felt that it would be preferable to provide for the issuance of visitor permits in the ordinance and to monitor the use of such permits to see if abuses take place. She then moved that the draft ordinance be amended to eliminate the language limiting residents to five permits a year. The motion was seconded by Commissioner Finn who observed that the ordinance could be amended if use of visitor parking permits is abused.

Ken Kenegos, a member of the audience, felt that the issuance of five visitor permits each year for specific period of time would satisfy the majority of residents.

William F. Clark stated that he was generally in favor of the proposed ordinance as drafted by the staff of the Department of City Planning.

Robert LaPointe summarized and submitted the following letter which had been prepared by Frances A. Sooy, Chancellor of the University of California Medical Center:

"One of my early challenges as Chancellor was the need to find solutions to the complicated traffic, parking and transportation problems that were confronting the UCSF campus and its surrounding neighborhood communities. In 1973, I established a Parking and Transportation Committee to combine the forces of the neighborhood residents, city agencies and the University to proposed ways of reducing traffic and parking problems in the vicinity of the San Francisco campus.

"At the Committee's October, 1975 meeting, the question of preferential parking privileges for neighborhood residents was discussed, not only around the University but in other traffic-impacted areas, such as sections of the city near commuter routes and close to direct downtown transit lines. As a result of this discussion, a major effort was initiated by the campus to invite neighborhood organizations, city officials and civic leaders to attend a February, 1976 public meeting to discuss the specific issue of preferential parking. At that meeting it was clear that many people are interested in some form of neighborhood parking control regulations.

"Despite the potential inconvenience to some staff and students at UCSF, I would like to support the Planning Department's proposed preferential parking program since I feel it can contribute significantly to the solution of problems of neighborhood traffic and parking congestion throughout the city and, specifically, in the San Francisco campus environs. In final analysis, however, if the neighborhoods reject preferential parking, the campus will also reject it; if they can support a preferential parking scheme, the campus will support it. In any event, the campus will continue to seek and develop solutions to parking and transportation problems in its environs."

Gerald Cauthen, representing the Municipal Railway, stated that San Francisco does have serious parking problems in residential areas which are located near universities, hospitals, and Bart stations. In addition, serious problems exist in residential areas which are located on transit lines. He remarked that preferential parking programs have been utilized in Europe; and he felt that such a program would have a beneficial effect for San Francisco.

John Holmes, representing the Telegraph Hill Association, stated that his organization supported the concept of the preferential parking program; and he urged that the procedures for establishing such a program be kept as simple as possible.

Janet Nusbaum, representing the Citizens Action League, indicated that her organization had solicited the support of approximately 500 residents for establishment of preferential parking programs in certain portions of the city.

Patricia Diridoni, representing the Glen Park Association, stated that residents of her neighborhood favored the development of a program which would solve parking problems in their area without unduly restricting residents of the neighborhood. Discussions had taken place concerning the possibility of establishing controls on an incremental basis in order to see if they are effective; and she asked if the draft ordinance would provide for such a process.

Mr. Fulton replied in the affirmative, indicating that the ordinance would not establish any special parking zones but would merely provide the means through which residential neighborhoods could apply for specific areas to be designated as special parking zones. He remarked that the preferential parking program would bring a certain amount of inconvenience to residents of areas where it is in effect; and he believed that neighborhoods would apply for establishment of special parking zones only in areas where parking congestion is very serious.

When the question was called on the motion to amend the draft ordinance to eliminate the language limiting residents of a residential permit parking area to five visitor permits a year, the motion passed by a unanimous vote.

Mr. Fulton proposed that Section 303(h) of the draft ordinance which had read "'person' shall mean a natural person, a corporation or other legal entity or relationship under the laws of the State of California" be amended to read "'person' shall mean a natural person."

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It was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the draft ordinance be further amended as recommended by Mr. Fulton.

Commissioner Starbuck asked if the proposed ordinance would be the subject of an environmental evaluation. Mr. Williams replied in the negative, indicating that the proposed ordinance was merely enabling legislation which would provide for the establishment of special parking zones. However, when specific special parking zones are established under the proposed ordinance, they will be subject to environmental evaluation.

It was then moved by Commissioner Rosenblatt and seconded by Commissioner Starbuck that Section 312 (c) (2) of the draft ordinance be deleted. The result of those deletions would be that proof of residency or ownership would be demonstrated only through possession of a valid vehicle operator's license or vehicle registration form reflecting an address within a residential permit parking area. When the question was called, the Commission voted unanimously to amend the draft ordinance accordingly.

Commissioner Rosenblatt asked if the draft ordinance had been reviewed by the Department of Public Works and the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT). Mr. Fulton replied in the affirmative. He indicated that both the Department of Public Works and the Police Department had initially had a negative response to the proposals. Police Departments and Public Works Departments of other cities had had the same response; however, in most cases, the departments had later come out in support of the preferential parking program after it had been tested in operation.

Commissioner Rosenblatt suggested that it might be desirable to have a time limit specified in the draft ordinance for surveys or studies to be undertaken by the Department of Public Works when special parking areas are proposed, especially if the Department of Public Works tended to be less than completely enthusiastic about the program.

Commissioner Mellon, noting that his office would be responsible for the conduct of the surveys or studies, indicated that he would not object to time constraints as long as the constraints are not too severe.

Commissioner Finn stated that he would support the time limitation on the surveys and studies; however, he felt that an "escape clause" should be provided to allow the Board of Supervisors to extend the period of time allowed for surveys or studies.

Commissioner Starbuck stated that he had always found the Department of Public Works to be quite responsive in dealing with such matters; and, although he did not anticipate any problems, he indicated that he would support the establishment of a time limit for the surveys and studies.

After further discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that Section 306 (a) of the draft ordinance be amended to provide that the Chief Administrative Officer or his designee shall undertake or cause to be undertaken such surveys or studies as are deemed necessary to determine whether a residential area is eligible for residential permit parking and that those surveys and studies should be concluded within 90 days unless extended by the Board of Supervisors.

Mr. Kenegos asked that an additional provision be included in the ordinance to give amnesty to people who have accumulated parking tickets in their own neighborhoods during the past year. President Lau explained that such matters would not be within the jurisdiction of the City Planning Commission.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Mellon, and carried unanimously that the draft ordinance, as revised, be endorsed.

The meeting was adjourned at 4:35 p.m. in respect to the memory of Franklin K. Brann, a personal friend of some members of the Commission.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, June 3, 1976.

The City Planning Commission met pursuant to notice on Thursday, June 3, 1976, at 2:00 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: John D. Crowley, member of the City Planning Commission.

The staff of the Department of City Planning was represented by R. Spencer Steele, Acting Director of Planning; Robert Passmore, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning); Alec Bash, City Planning Coordinator; Robert Feldman, Planner II; Ralph Gigliello, Planner II; Michael Johnstone, Architectural Design Draftsman; and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle; June Muller represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

CURRENT MATTERS

R. Spencer Steele, Acting Director of Planning, reported that Peter Svirsky of the staff of the Department of City Planning is hospitalized and scheduled to undergo surgery.

Mr. Steele advised the members of the City-wide Comprehensive Plans Committee that next Thursday's meeting will be cancelled.

Mr. Steele distributed summaries of the Department of City Planning's budget for fiscal year 1976-77 as approved by the Board of Supervisors. He also reminded members of the Commission of a post-budget review with the Mayor next Wednesday, June 9, at 9:00 a.m.

Mr. Steele reported that the State and National Affairs Committee of the Board of Supervisors, meeting last Friday, had taken no position regarding Proposition 15 on the State ballot (The Nuclear Power Plants Safeguard Initiative).

Mr. Steele announced that Supervisor Mendelsohn had introduced the proposed preferential parking ordinance to the Board of Supervisors on Monday for hearings to be scheduled by the Fire, Safety and Police Committee of the Board.

Robert Passmore, Planner V (Zoning), advised the Commission that the staff has scheduled a series of neighborhood meetings to discuss the proposed reclassification of residential properties throughout San Francisco, as follows:

- | | | |
|------------------------------|--|----------------------------------|
| 1. Northwest Portion of City | Presidio Jr. High
450 - 30th Avenue | Tues, June 22, 1976
7:30 p.m. |
| 2. Northeast Portion of City | Francisco Jr. High
2190 Powell | Tues, June 29, 1976
7:30 p.m. |
| 3. Southeast Portion of City | James Lick Jr. High
1220 Noe | Wed, July 7, 1976
7:30 p.m. |
| 4. Southwest Portion of City | Herbert Hoover, Jr. High
2290 - 14th Avenue | Wed, Aug. 11, 1976
7:30 p.m. |

Mr. Passmore reported that 32 building permit applications were filed on May 19 and 20 prior to initiation of the new residential zoning controls by the Commission and indicated that that volume of applications was higher than average.

Mr. Steele informed the Commission that the applicants as well as residents of the neighborhood had requested further postponement of the public hearing on a Draft Environmental Impact Report for five 6-unit apartment buildings on the east and west sides of 10th Avenue between Lincoln Way and Irving Street. The hearing had been scheduled for next Thursday but will probably be postponed until September 23.

Michael Johnstone, Architectural Design Draftsman, reported on the current status of the Parapet Ordinance Enforcement Program. He stated that 800 citations had been issued through December, 1975. However, the criteria for issuing citations was subsequently changed; and no further citations had been issued. He indicated that the citations which had already been issued would be reviewed and modified in the light of the new criteria.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, presented a resolution which had been adopted by her Board on June 2, 1976, proposing that enforcement of the ordinance "be temporarily suspended until such time as the economic impact on both the city and individual building owners can be determined and an equitable means of providing financial relief, in the interest of the visual quality of San Francisco, can be established".

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that a public hearing be scheduled on June 24 to consider the proposal of the Landmarks Preservation Advisory Board.

Commissioner Rosenblatt announced the appointment of James Hermann of Ship Clerks Local 34 of the International Longshoremen's Union to the Northern Water-front Planning Advisory Committee.

CONSIDERATION OF RESOLUTION OF INTENTION TO INITIATE AMENDMENT OF SECTION 306.3 (b) OF THE CITY PLANNING CODE TO DELETE REQUIREMENT FOR MAILED

NOTICE TO INTERESTED PROPERTY OWNERS REGARDING PROPOSALS TO REZONE PROPERTY BASED ON GENERAL ZONING STUDIES, EITHER CITY-WIDE IN SCOPE OR COVERING A MAJOR SUB-AREA OF THE CITY.

Robert Passmore, Planner V (Zoning), remarked that the Mayor's Office had deleted from the Department of City Planning's budget funds which were to be used to give notice of the Commission's proposal for reclassification of all residential properties in San Francisco to all real property owners within the areas to be reclassified and within 300 feet of all exterior boundaries of such areas; and, in deleting the funds, the Mayor's Office had recommended that an amendment to the City Planning Code be considered to remove the requirement for such mailed notice. Subsequently, the City Planning Commission had received a letter from Supervisor Barbagelata, Chairman of the Board of Supervisor's Finance Committee, requesting the Commission to consider appropriate amendments to the City Planning Code which would result in less expensive forms of public notice when large numbers of property owners may be affected by zoning reclassification proposals before the City Planning Commission. He therefore recommended the adoption of a draft resolution which contained the following resolve:

"THEREFORE BE IT RESOLVED, That notice is hereby given to the general public that on Thursday, July 1, 1976 at 2:30 P.M. in Room 282, City Hall, the City Planning Commission will hold a public hearing to consider proposing to the Board of Supervisors amendments to the City Planning Code to permit hearing by the City Planning Commission of proposals to reclassify land on the basis of general zoning studies for one or more zoning districts, which studies are either city-wide in scope or cover a major sub-area of the city as determined by the City Planning Commission, without mailing copies of notice of hearing to individual property owners as presently required by Section 306.3 of the City Planning Code, and instead to give public notice by newspaper publication as presently required by Section 306.3 (b) 2(A) of the Code, by posting notice of such hearings at appropriate locations not less than 20 days prior to hearing, or by providing other appropriate notice by distribution by private or public means."

After discussion, it was moved by Commissioner Starbuck, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7501.

At this point in the proceedings, Commissioner Rosenblatt temporarily absent-ed himself from the meeting room.

Alec Bash, City Planning Coordinator, referred to land use and zoning maps to describe the subject property which is a rectangular parcel with frontages of 75 feet on Bush Street and Wilmot Street and a depth of 127.5 feet for a total area of 9562.5 square feet. The property is zoned R-3 and is subject to a 40-X Height and Bulk District. The proposed zoning classification for the property is RH-2. The property is occupied by an 8-unit apartment building; and the proposal was to convert the existing apartment building into 8 condominium units. Three of the units in the building could be considered to be within the city's moderate income housing stock; and the staff of the Department of City Planning had determined that the proposed sales prices would not remove those units from the moderate income housing stock.

George Stewart, owner of property located at 2111 Bush Street, stated that off-street parking spaces are available within the subject building; however, tenants of the building have not used them. He wondered if the Commission could establish a condition requiring that the spaces be used.

R. Spencer Steele, Acting Director of Planning, stated that it would be possible for the Commission to request the subdivider to encourage occupants of the building to use the off-street parking spaces wherever feasible; however, he did not feel that it would be appropriate for the Commission to establish a condition requiring that the parking spaces be used. Under the terms of the City Planning Code, the concern of the Department of City Planning is that one off-street parking space be provided for each dwelling unit. He recommended that the proposed condominium subdivision be approved as consistent with the Master Plan subject to five specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7502.

At this point in the proceedings, Commissioner Rosenblatt returned to the meeting room and reassumed his seat at the Commission table.

DR76.11 - CONSIDERATION OF STAFF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 458426 FOR THE CONVERSION OF AN EXISTING AUTOMOBILE GARAGE AT 3185 WASHINGTON STREET IN A RESIDENTIAL DISTRICT (R-3 AND RH-2) TO USE AS CLASSROOMS, OFFICES AND GYMNASIUM OF A PRIVATE HIGH SCHOOL.

Ralph Gigliello, Planner II, referred to land use and zoning maps to describe the subject property which is a rectangular lot with a 75-foot frontage on Washington Street and a depth of 100 feet for an area of 7500 square feet. The site is presently occupied by a three-level automobile parking garage used for storage, regular monthly and short-term occasional parking, and limited repair work. A field inspection had revealed a total of 40 automobiles spread over the three garage levels, at least half of which were unregistered vehicles in storage. At the evening rush hour, gates to the upper and lower levels were locked and no entering vehicles were observed at the main level. The garage is a non-conforming use with 1980 expiration date. The San Francisco University High School proposed to convert the existing garage structure to use as additional space for the school. The proposed conversion would enable the school to increase enrollment from 225 to 325 students by providing additional classrooms, offices and a gymnasium. The gymnasium would be accommodated in a one-story vertical addition within the 40-foot height limit. The existing structure lacks sound-proofing; however, the project's sponsor proposed to mitigate potential adverse effects by complying with recommendations of an acoustical engineer. The project would conform to applicable Planning Code restrictions.

Mr. Gigliello noted that the City Planning Commission had expressed concern with the expansion of non-profit secondary schools in residential zoning districts. On January 31, 1975, the Commission adopted Resolution No. 7283, directing the staff of the Department of City Planning to submit to the Commission for possible review under its discretionary powers any applications for major expansion of such uses which in the opinion of the Department staff would result detrimental effects on the surrounding residential neighborhood. He stated that individual neighbors had expressed opposition to the proposed project; and other individuals and three neighborhood associations had indicated approval of the proposal. The project's sponsor had written requesting discretionary review by the Commission; and the staff recommended that the discretionary review be held.

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the request for discretionary review be granted.

DR76.11 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 458426 FOR THE CONVERSION OF AN EXISTING AUTOMOBILE GARAGE AT 3185 WASHINGTON STREET IN A RESIDENTIAL DISTRICT (R-3 AND RH-2) TO USE AS CLASSROOMS, OFFICES AND GYMNASIUM OF A PRIVATE HIGH SCHOOL.

R. Spencer Steele, Acting Director of Planning, noted that Ralph Gigliello of the staff of the Department of City Planning had described the proposed project when the Commission was considering the request to conduct the discretionary review.

Commissioner Starbuck asked if he were correct in understanding that the existing garage is not open to the public for evening or night-time parking. Mr. Gigliello replied that the garage did not appear to have an established policy regarding evening parking. However, the garage is open on weekends to accommodate people attending activities sponsored by a nearby church.

President Lau asked for a show of hands of individuals present in the meeting room in support of the applicant's proposal. Approximately 75 people responded. He then asked for a show of hands of individuals present in opposition to the project; and approximately six individuals responded. Based on another show of hands, it was determined that most of the people present in support of the proposal were students or parents of the students attending the school.

Dennis Collins, 1475 Monterey Blvd., read the following prepared statement:

"As Headmaster of San Francisco University High School I would like to take approximately three minutes of your time to provide you with some background information about the School which should place the issue before us today in its proper context. University High School is completing its first year of operation this week. Our first senior class of 21 students will graduate day after tomorrow. The school grew out of a belief on the part of many San Franciscans that the city desperately needed a strong co-educational independent college preparatory school to serve highly motivated students.

"WE OPENED IN SEPTEMBER WITH ONE HUNDRED AND FIFTY-FIVE STUDENTS from fifty-two schools - both public and private. Approximately one-third of the current student-body comes from public junior and senior high schools. This next fall the total number of students will increase to 225 as we graduate a small senior class and admit a freshman class of 75. Again, the new students will come from a variety of feeder schools - 41 different schools to be exact.

"WE ARE COMMITTED TO AN ACTIVE STUDENT RECRUITMENT PROGRAM and, therefore, admission representatives have visited each of the city's public junior high schools in addition to independent elementary schools in the area. Approximately 17% of the current student-body receives financial aid. The scholarship budget will reach the \$75,000 mark in the fall and approach \$100,000 in the fall of 1977. In fact we have made it very clear to counselors in the feeder schools that no student should not apply solely for financial reasons. If we accept a youngster, we do everything in our power to see that scholarship assistance is provided.

"ADMISSION TO UNIVERSITY HIGH IS SELECTIVE. We cannot begin to accommodate all the young people who make application to us - testimony, we believe, to the incredible need for quality education in our city. We seek a balanced student-body - in terms of boy/girl ratio, socio-economic background, ethnic origin, religious background, and area of residence in the city.

"THE SCHOOL'S ACADEMIC PROGRAM REPRESENTS A BALANCE between required courses in each of our six academic divisions and elective courses to meet the needs and interests of a diverse student-body. The school is committed to the Advanced Placement Program in all subject areas, thereby providing the equivalent of college-level courses for advanced students. In addition, the school offers a broad program in the graphic and fine arts, theater, and music.

"THE PRESENT CAMPUS IS NOT ADEQUATE to support the academic and extra-curricular program to which we have been committed from the outset. We have determined that the ideal student-body size is 300. At that level the school will be able to provide the curriculum and the faculty requisite to a truly superior college preparatory program, while remaining small enough to encourage the sense of community and intimacy which currently distinguishes the school from larger institutions.

"THE BUILDING PROGRAM NECESSARY TO ACCOMMODATE THIS GROWTH, requires purchasing the garage at 3185 Washington Street and converting it to a multi-purpose facility - specifically eight classrooms, five faculty offices, two art studios, a photography dark room, a workshop and a gymnasium. These facilities will be used during the academic day - between the hours of 8:15 a.m. and 3:30 p.m. for instructional purposes. Additionally, the gymnasium will be used by University High School students for intra-mural and interscholastic sports - specifically for volleyball, gymnastics, and basketball. The School is a member of the Bay Counties League, a group of small - mostly independent-schools which play games on a regular schedule

through the school year. While sports are important to the School and particularly to the participants, in no way can our athletic program be likened to that which exists in most public schools. For example, all league games are scheduled in the afternoon hours during the week - between 3:30 and 5:00 p.m. and the spectators are few in number. Of all the indoor games I personally attended this year, the maximum number of spectators at any one event could not have exceeded forty to forty-five

"THE NEW FACILITY WILL NOT BE USED FOR EVENING EVENTS. The school has very few such events in any case - two parents' meetings each year, one or two dances a term, and that is about it. The current facility at 3150 Washington Street, our auditorium, will continue to be used for those events. At dances this year we have had as many as 450 students - from UHS as well as other schools. This is virtually the legal capacity of the facility. We cannot have more. Thus, even with an enlarged student-body, the number of students at evening events will not be increased. The existence of the new building, therefore, will not have any effect whatsoever on evening usage.

"WE BELIEVE WE HAVE BEEN GOOD NEIGHBORS THIS YEAR. In fact, we have been told so by many, many people who live in the immediate environs of the School. Specifically, our neighbors inform us that less noise emanates from the School now than when it previously was a girls' private school. With few exceptions, we have been told our students are neat, polite and cooperative. When a student has thoughtlessly thrown a sandwich wrapper on a neighbor's steps, and I have been informed of that, the student has been reprimanded. When a school mini-bus is parked in an area other than the School's white zone (a problem, since our white zones are sometimes disregarded) we try to remove them as quickly as possible.

"UNIVERSITY HIGH SCHOOL IS NOT AN OPEN CAMPUS - students may not come and go as they please. Freshman and Sophomores must remain on campus during the school day. Juniors and Seniors must sign in and out in the school office. Ninety-eight percent of our students either walk, are driven by parents, or take public transportation to school. Those two or three who drive come from long distances - one from as far away as Richmond. Of the twenty-five faculty and staff members, ten either walk or take public transportation to and from school. The others have experienced no difficulty in finding ample parking space between 8:00 a.m. and 3:30 p.m. during the week. Indeed, we recently completed a survey of available parking areas at various times during the academic day. We found an average of 65 free parking spaces on the streets immediately surrounding the School.

"WE ARE A CITY SCHOOL, COMMITTED TO OUR URBAN LOCATION. We frankly consider our location as one of our greatest assets. Through field trips, independent study, and various internships we envision our students developing a knowledge of and appreciation for their City which bodes well for their active interest in the life of their City as concerned, involved adults.

"IT IS MY CONSIDERED JUDGMENT that this additon to Universtiy High School can only benefit the City of San Francisco. I believe we are able to show that the impact of such expansion on the immediate neighborhood is negligible while the contribution we are making and shall continue to make to quality education in the City is substantial. I trust we shall be able to move ahead with our planning without delay. Thank you for your attention and consideration."

Commissioner Starbuck asked Mr. Collins if he had an objective viewpoint regarding institutional expansion in residential areas. Mr. Collins replied that he felt that the Commission should have a strong commitment to protect the quality of residential areas; but he did not feel that schools should be considered as a threat to such areas.

Commissioner Bierman, noting that Mr. Collins had stated that the school was aiming for a student body size of 300 students, questioned why the application indicated that the enrollment of the school would be increased from 225 to 325 students. Mr. Collins replied that the school is aiming at an enrollment of 300 students; however, some lee-way is needed because the size of the student body will fluctuate.

James Palmer, architect for the applicants, stated that he specializes in conversions; and he indicated that he had initially predicted that residents of the neighborhood would be overjoyed to have the dilapidated garage rehabilitated. He remarked that the building has large windows on the rear and on the both sides which create noise and pollution problems; and he indicated that that problem would be corrected during the course of the rehabilitation. The structure would be brought up to code standards, a new roof would be added, it would be painted, and street trees would be planted in front of the building. He then described the interior of the proposed building as indicated on floor plans which were posted on the wall of the meeting room. In conclusion, he stated that the proposed project would have as gentle an impact as possible on the immediate neighborhood; and, at the very least, the rehabilitated structure would be an improvement over what presently exists.

Roger Maineri, acoustical engineer for the applicant, stated that the principal problem with which he would deal would be the possible emission of noise to neighboring properties. He stated that the noise level at the subject site presently averages between 40 and 50 dbas; and he indicated that the loudest activity to be conducted within the proposed building would be basketball games. In conclusion, he stated that he would continue to work on the project to assure that the building is given the best possible acoustical treatment.

Mr. Steele asked if there was any reason why the building could not be treated acoustically so that no audible sounds would escape the building to adjacent properties. Mr. Maineri replied that it might be possible to achieve that level of sound-proofing for daytime hours; but it was questionable whether such a level of sound-proofing could be achieved for night-time hours. However, he noted that the sponsors had stated that the building would not be used at night.

He assured the Commission that sound emissions from the building could be limited to the ambient noise level of the neighborhood.

Commissioner Bierman remarked that basketball games can be quite noisy; and she asked if basketball games held within the proposed building might be heard from adjacent properties. Mr. Maineri replied that he would work with the sponsor's architect to minimize the possibility of such noise being heard on adjacent properties.

Raymond Haas, Chairman of the Board of Directors of the San Francisco University High School, advised the Commission that the proposed project had been overwhelmingly approved by citizens at large and by residents of the subject neighborhood. Three neighborhood associations had written letters in support of the proposal; and more than 400 cards and letters had been received from residents of the city who were not opposed to the proposed project. He displayed a chart which he had prepared of the subject neighborhood which indicated the location of properties owned by 55 individuals who were in favor of the project and 3 individuals who were opposed to the project. He felt that those individuals who were supporting the application were aware that good schools are one of the best attractions of a city; and he called attention to a letter which had been transmitted to the Department of City Planning by John A. Pierce, 3147 Jackson Street, in which Mr. Pierce stated that "it is the availability of schools like yours that prevent us, and many of our friends, from moving out of the city, depleting the San Francisco tax rolls and enriching those of neighboring communities."

Mr. Haas stated that the San Francisco University High School does provide a real service for the immediate neighborhood; and he indicated that 105 of the school's students and four of the staff members live within six blocks of the school. He believed that the school had been a good neighbor; and he advised the Commission that representatives of the school had contacted all neighbors within 300 feet to discuss potential problems and to work out solutions to those problems. Furthermore, the school intends to continue to work with residents of the neighborhood. Initially, residents of the neighborhood were concerned that the garage structure would be demolished and replaced with a garish new building; but they were pleased when they had found that the building is to be rehabilitated. Residents of the neighborhood had also expressed concern about noise; so the school had hired an acoustical engineer to work on the project. The school would be prepared to accept a condition requiring that noise emissions from the building be kept down to the ambient noise level. Another issue raised from residents of the neighborhood was the issue of parking. However, since the garage is a non-conforming use, it is subject to expiration in 1980; and, in any case, relatively few automobiles are accommodated in the garage at the present time. Day-time parking is really not a major problem in the area; and, since the school holds very few night-time events, it does not significantly contribute to night-time parking problems. In fact, five off-street parking spaces in front of the school are made available for public use at night. He stated that the school would make an effort to garage its mini buses so that they would not use on-street parking spaces; and he indicated that an effort would be

made to cooperate with the existing tenant of the garage to try to help him to find a new location in the area. Finally, residents of the neighborhood had raised questions regarding the traffic which would be generated by the school; but that was not really a major issue since most of the students of the school use public transportation or walk. In conclusion, he stated that a vote against the proposed project would be a vote against education and good planning.

Commissioner Starbuck asked about the present size of the faculty of the school. Mr. Collins replied that the school presently has a faculty of 25 persons; and, since the school attempts to maintain a student faculty ratio of 10 to 1, the ultimate size of the faculty would be approximately 30.

A resident of Baker Street north of Washington Street stated that he had been opposed to the project; however, having heard the testimony of representatives of the school, he wished to withdraw his objection to the proposal.

Bernice Kussoy, 3169 Washington Street, remarked that very little mention had been made of the noise which would be generated by children going to and from the school; and she remarked that approval of the new facility would mean that there will be a constant movement of students back and forth between the two buildings in front of her house. While she had a lot of objections to the proposed project, the issue of noise was of primary concern to her. She also indicated that she had skylights in her building; and the proposed addition to the subject building would reduce the amount of light received through the skylights. She acknowledged that the San Francisco University High School had been a fairly a good neighbor. However, there were no positive assurances that the school would continue to be a good neighbor in the future; and, in that regard, she remarked that the Burke School, which had previously occupied the building now housing the San Francisco University High School, had held a large number of special events which had disrupted the neighborhood. She stated that she is at home during daytime hours; and she felt that the noise and disruption which would be caused by having a school immediately next door would be intolerable.

John Kirkpatrick, representing the Board of Directors of the Pacific Heights Association, stated that his organization had distributed 800 questionnaires regarding the proposed use. Of the individuals who had responded, 35 had indicated that they were in favor of the project and 10 had indicated that they were opposed to it. He felt that the project should be approved as a necessary and desirable use for the community.

Will Wong, 3165 Washington Street, spoke in opposition to the proposal. He remarked that certain neighborhoods in San Francisco have been overwhelmed with hospitals; and he indicated that the subject neighborhood is being overwhelmed with private schools. He remarked that stored automobile do not make noise; and, as a result, he regarded the existing garage to be a good neighbor. Furthermore, he had expected that the garage would be replaced with something more appropriate to the character of the neighborhood upon the expiration of its non-conforming use status in 1980. In conclusion, he advised the Commission that he has had difficulty finding on-street parking spaces in the area during daytime hours.

Commissioner Starbuck inquired about tuition costs at the San Francisco University High School. Mr. Collins replied that the students pay a \$2,350.00 tuition fee as well as an activity fee; and they must purchase their own text books. However, it costs the school approximately \$3,000 for each student.

Commissioner Bierman, noting that the school is a non-profit organization, asked if it has an affirmative action program. Mr. Collins replied in the affirmative and indicated that the school's affirmative action program is published each year.

Commissioner Dearman stated that she has children; and she indicated that she was aware of the fact that special school events can be quite disruptive. She asked if the school had considered holding dances and other special events in some other location.

Mr. Collins replied in the negative but indicated that no evening events were being proposed for the new building. The school had had an adult party for parents; but that party had been held in another facility.

Mr. Haas stated that the school would monitor crossing of the street by students until such time as it has been determined that any noise problems are under control.

Commissioner Bierman asked if representatives of the school could estimate how many students might be going back and forth across the street. Mr. Collins replied that it was entirely likely that a number of students would spend a major part of their time in the new facility; and he doubted that there would more than 40 or 50 trips across the street on any given day.

Sandy Taylor, 3639 Washington Street, stated that her daughter had recently been injured, making it necessary for her to drive her to and from school; and, in making those trips, she had noted there were no activities taking place which would indicate that the building was occupied by a school. Although the subject neighborhood may have parking problems, the school is not responsible for those problems; and students of the school and their parents would assume responsibility for correcting any problems which might develop. She urged that the application be approved.

Paul Fernandez, 650 California Street, read the following letter which had been addressed to Mr. Steele by Robert Hermann, 3246 Baker Street:

"I would like to express my support for the proposed expansion of San Francisco University High School calling for the transformation of an existing automobile garage into classroom and physical education facilities. It appears that the plan is in conformance with applicable zoning regulations, will decrease current noise levels according to an Acoustical Engineer's assessment and will not significantly alter traffic conditions.

"Perhaps more important than the usual planning criteria is the consideration of the new high school's role within the city. It is offering an opportunity for high quality academic education so unfortunately difficult to receive within our public schools today. The presence of this school materially encourages families to remain in the city, supporting a basic city policy to foster family life in San Francisco.

"It might be argued that the school serves only wealthy families who will somehow remain in the city no matter what may happen. As a parent of a S.F. University High School scholarship student, I can vouch for the opportunity given to at least one middle class family that would have seriously considered leaving the city had it not been for the fine education and financial aid offered by this school.

"Expansion of San Francisco University High School will increase its opportunity to serve an even wider spectrum of families within the city. The school will be able to operate on a more efficient level, reducing the cost per student and perhaps releasing more funds for scholarship aid to young people from all parts of San Francisco.

"I urge continued support by the Planning Department and a favorable vote by the Planning Commission."

Mr. Wentworth, 2389 Filbert Street, stated that he had moved to San Francisco from the Lake Tahoe area specifically so that he could enroll his daughter in the San Francisco University High School.

Mr. Georgiana Warner, 3184 Washington Street, stated that neither she nor her tenants have utilized the existing garage over the past three years; and she remarked that the proposed project would provide five new on-street parking spaces. The San Francisco University High School is much quieter than the Burke School; and she indicated that she was in support of the proposed project.

Carole Bayer, owner of properties in the subject neighborhood, stated that she had never experienced parking problems in the area even at night. She felt that the facade of the garage building has deplorable appearance; and she believed that renovation of the building for the San Francisco High School would be an improvement. She stated that she was 100 percent in favor of the proposed project.

John Becker, 3699 Washington Street, indicated that he is a student at the San Francisco University High School. He stated that he had made a survey of on-street parking spaces in the neighborhood and had found an average of 26 spaces available within two blocks of the school at 7:00 p.m. He remarked that expansion of the school into the garage building would enable the school to ex-

pand its curriculum; and the availability of the gymnasium would make it possible for students to participate in athletic programs without going to Stonestown.

Victoria Leong, 27 Ardenwood Way, stated that her son is enrolled in the San Francisco University High School; and she indicated that she was in favor of converting the garage as proposed by the school. She stated that she sympathized with the concerns of residents of the neighborhood since she had experienced similar concerns when a telephone company facility was proposed for property near her home. However, once that facility was completed, she had found it to be a good neighbor; and she believed that residents of the subject neighborhood would be proud to have such a fine institution of higher learning located in their midst when it is completed.

At 4:25 p.m. President Lau announced a 10-minute recess. The Commission reconvened at 4:35 p.m. and proceeded with hearing of the remainder of the agenda.

Mr. Steele recommended approval of the building permit application subject to six conditions which were contained in a draft resolution which she had prepared for consideration by the Commission, as follows:

- "1. The basement level of the existing garage is to be retained for parking to be available to residents of the neighborhood.
- "2. Students attending the San Francisco University High School are not to be permitted to use private automobiles to attend classes and school functions.
- "3. Off-street parking is to be provided for buses operated by the school.
- "4. Monitors are to be provided to assure that students cross legally between the two facilities, do not litter and do not eat lunches or loiter on the public streets or neighboring private properties.
- "5. Sound-proofing is to be installed in compliance with recommendations of an acoustical engineer approved by the Department of City Planning, in order to prevent sounds emanating from any portion of the structure being audible on neighboring properties.
- "6. Evening activities are to be restricted to the existing facility at 3065 Jackson Street and are not to be expanded to the subject property."

Mr. Steele then recommended that a seventh condition be added to the draft resolutions specifying that the enrollment of the school should not exceed 325 students.

Commissioner Bierman asked if Condition No. 5 relating to sound-proofing would be enforceable. Mr. Steele replied that the Commission's most recent experience with sound-proofing was at the new Pets Unlimited facility at Fillmore and Washington Streets. Because of lack of funds, proper acoustical materials were not installed; and, as a result, dogs located in the building eventually had to be removed because they were disturbing residents of the neighborhood. He stated that Mr. Maineri is an expert in his field and is well-respected; and he did not expect that the school would have any problems in complying with the condition which he had recommended.

Commissioner Bierman asked if the applicants intended to close the windows on the back of the building. Mr. Maineri replied that the windows would be sealed with concrete.

Mr. Haas stated that he found the conditions which had been recommended by Mr. Steele to be generally acceptable; however, he felt it necessary to request modification of certain specific conditions. He stated it would be absolutely impossible to retain the basement level of the existing garage for parking as required by Condition No. 1 of the draft resolution. He stated that the school had spent a considerable amount of money exploring the possibility of retaining the basement parking spaces; however, because of the column structure of the building, public parking would not be workable in the basement level without an attendant. Furthermore, if the parking were to be retained in the basement of the building, special purpose rooms could not be provided; and such rooms were the primary reason for the proposed project. Under the circumstances, he felt that application of Condition No. 1 of the draft resolution would result in abandonment of the project. He stated that the school had considered maintaining the automobile ramps to the basement for storage of the school's mini buses; but even that approach would have caused problems in meeting Field Act standards for school construction. Furthermore, any sort of parking would be incompatible with the proposed school use; and it would cause ventilation problems.

Commissioner Starbuck asked what was being planned for the basement space in the building. Mr. Haas replied that the basement would consist of a music room, a shop, a lounge, offices, classrooms, and mechanical space.

Mr. Haas stated that Condition No. 2 of the draft resolution would be acceptable; however, he felt that it should be amended to allow students to use private automobiles in emergency situations. With regard to Condition No. 3, he stated that the school's mini buses could be stored on private property at night; however, during daytime hours it would be necessary to park the vehicles in white zones in front of the school. Therefore, he requested that Condition No. 3 be amended to require that off-street parking should be provided for buses operated by the school except for the hours of 8:00 a.m. to 5:00 p.m. Condition Nos. 4 and 6 were acceptable. With regard to Condition No. 5, he stated that he doubted that it would be possible for the school to fully comply with the

standards which had been recommended by Mr. Steele. While it would be possible to bring sounds issuing from the building to or below ambient noise level of the area, it was questionable whether the building could be treated so that no sounds whatsoever would emanate from the structure.

Mr. Maineri stated that the city's Noise Ordinance allows noises 5 dbas above the ambient noise level; and he was positive that the building could be treated to meet those standards. However, since he had not had an opportunity to examine the building, he could not guarantee that the building could be treated to meet the standards which had been recommended by Mr. Steele. In any case, he emphasized that the building would not be used at night when surrounding property owners would more likely be disturbed by noise.

Commissioner Starbuck asked Mr. Maineri if they were any particular word in Condition No. 5 of the draft resolution which was particularly disturbing to him. Mr. Maineri replied that he was concerned about the word "audible". He stated that he would prefer that the condition be reworded to specify that sound-proofing should be installed to prevent sounds emanating from any interior spaces in the building exceeding the residual noise level on neighboring properties. Mr. Steele stated that the language suggested by Mr. Maineri would be satisfactory to him.

Commissioner Dearman asked how many parking spaces could be provided in the basement of the building. Mr. Gigliello replied that approximately 40 spaces could be provided; however, only one-half of those spaces would be independently accessible.

Mr. Palmer stated that it would be necessary to bring the garage up to code standards if it were to be retained; and he doubted that that would be possible. In reply to questions raised by Commissioner Mellon, he stated that the garage would pose ventilation problems in addition to structural problems; and, if the garage were to be retained, it would be necessary for the school to add an additional floor to the building to meet its space needs.

Commissioner Starbuck inquired about the number of faculty members at the school who drive to work and park in the area. Mr. Collins replied that 15 of the faculty members use private automobiles for transportation; ten others use public transportation or walk.

Commissioner Bierman asked if it was the intention of the staff of the Department of City Planning that the parking spaces should be available to the public when the school is not in session. Mr. Steele replied that the staff felt that the parking spaces should be available at all times to members of the public to meet a community need. The number of parking spaces which could be provided in the basement of the building would not satisfy the school's need for off-street parking, particularly in cases when large functions are taking place.

Commissioner Bierman stated that she would not be able to support the proposed project unless the school were willing to provide some sort of off-street

parking. She remarked that the project would infringe on the subject residential neighborhood; and, although relatively few individuals had spoken in opposition to the project, the Commission had recieved a sizable number of letters from individuals who were opposed to the project. She stated that she had a great deal of respect for the school; but she indicated that she would vote against the proposed expansion project if no parking were to be provided. Under the circumstances, she suggested that the applicants might wish to request that the matter be taken under advisement by the Commission so that further study could be made the possibility of providing off-street parking on the site.

Commissioner Rosenblatt, noting that Mr. Haas had stated that the possibility of providing parking had been explored and that it had been determined that application of Condition No. 1 would mean that the project would have to be abandoned, asked Mr. Steele if he had reason to believe that Mr. Haas' testimony was incorrect. Mr. Steele replied that the proposed project would eliminate a parking garage which presently exists and which might be permitted to continue in operation beyond 1980; and he felt that it should be possible for the school to provide 20 independently accessible parking spaces for use by residents of the neighborhood.

Mr. Haas stated that he had understood that the parking garage would have to be discontinued in 1980 because it is a non-conforming use. Mr. Steele replied that the new residential zoning standards will provide for retention of certain non-conforming uses which provide a neighborhood service.

Mr. Haas then stated that he did not feel that it would be proper for the staff to require the school to spend one-third of a million dollars to create a facility which would not be consistent with the present Planning Code; and he indicated that he would prefer for the Commission to disapprove the application rather than to approve the application subject to a condition requiring retention of the basement parking. While the Commission may have received some letters in opposition to the proposal, he noted that most of the individuals who had written those letters had not come to the meeting; and he emphasized that the majority of the people who were present in the meeting room were in favor of the project. He noted that a member of the Board of Supervisors was opposed to the project; and he felt that the matter would never have come before the Commission for discretionary review if it had not been for the opposition of that person.

President Lau asked Mr. Steele if a delay of one or two weeks would be helpful to the staff in determining whether it would really be infeasible for the school to retain the basement parking spaces. Mr. Steele replied that the architect for the applicant had already testified that he had studied the situation and had determined that it would be infeasible to retain the basement parking spaces; and, under the circumstances, he felt that the Commission would have to weigh the effect of losing the parking garage against the possible benefits and/or detrimental effects of expanding an institution in a residential area.

Commissioner Mellon remarked that none of the residents of the neighborhood who had spoken in support of the proposed facility had indicated that their sup-

port was predicated on provision of off-street parking spaces by the school; and, as a result, he felt that Condition No. I should be deleted from the draft resolution.

Commissioner Dearman stated that she had assumed that the garage would have to be removed in 1980 because it is a non-conforming use; and she felt that residents of the neighborhood may have made the same assumption. If so, there would have been no reason for them to think that there was any chance of retaining public off-street parking spaces on the site. Mr. Mellon agreed that that would have been a valid assumption.

Saul Greenstein, 3323 Pacific Avenue, wondered if the Commission, in the future, would require all public schools as well as private school to provide off-street parking.

A resident of 24th Avenue stated that his son will be a student at the San Francisco University High School next year; and he felt that it was very important for people to be able to get a good education. If public off-street parking were to be provided in the proposed school building, he felt that the mixture of uses might pose some dangers for children attending the school.

Mr. Haas agreed that it would be undesirable to have children attending school on top of a garage.

Commissioner Rosenblatt moved that the subject application be approved subject to the following conditions:

- "1. The enrollment of the school is not to exceed 325 students.
- "2. Students attending the San Francisco University High School are not to be permitted to use private automobiles to attend classes and school functions, except in the cases of students living outside the City.
- "3. Off-street parking is to be provided for buses operated by the school, after 5:00 P.M.
- "4. Monitors are to be provided to assure that students cross legally between the two facilities, do not litter and do not eat lunches or loiter on the public streets or neighboring private properties.
- "5. Sound-proofing is to be installed in compliance with recommendations of an acoustical engineer approved by the Department of City Planning, in order to prevent sounds emanating from any interior spaces exceeding the residual noise level on neighboring properties.
- "6. Evening activities are to be restricted to the existing facility at 3065 Jackson Street and are not to be expanded to the subject property."

Commissioner Rosenblatt stated that he was sympathetic with the idea of providing off-street parking in congested neighborhoods; however, he did not feel that provision of public off-street parking spaces in the proposed building would be feasible or appropriate. In the long run, he hoped that the new preferential parking program would help to mitigate parking problems in residential districts of San Francisco, including the subject neighborhood. On balance, he felt that there was more support for the project than opposition to it; and application of the condition requiring provision of off-street parking spaces would have resulted in abandonment of the project.

The motion was seconded by Commissioner Mellon.

Commissioner Starbuck remarked that he intended to vote against the motion. He stated that he had a problem with institutional expansion in residential neighborhoods, however benign the project might be; and he felt that the proposed would have detrimental impacts on the subject neighborhood, particularly in relation to the parking situation. He suggested that the school should retain at least 20 parking spaces in the basement level of the building; and those spaces should be available to residents of the neighborhood on a monthly basis or should be reserved for faculty members of the school. He stated that he did not feel that the subject neighborhood could afford to lose all of the existing parking spaces available in the garage.

Commissioner Bierman stated that she agreed with the position which had been taken by Commissioner Starbuck. She then asked if the applicant would have to wait for one year to file a similar application if the subject application were to be disapproved by the Commission. Mr. Steele replied in the affirmative.

Commissioner Bierman then remarked that other situations had arisen in which uses had been proposed which would have had a detrimental effect on residential neighborhoods; and, in some of those cases, the applicants and residents of the neighborhood had been willing to work together to effect a compromise. In her opinion, people have a right to live in comfortable neighborhoods; and she felt that the school should be willing to sit down with residents of the neighborhood to see if modifications could be made in the proposal which would benefit the neighborhood. If representatives of the school did not wish to become involved in such discussions, she indicated that she would be prepared to vote against the application.

President Lau observed that only 6 members of the Commission were present; and he indicated that a tie vote would result in disapproval of the application.

Mr. Haas inquired about the appellate process. Mr. Steele replied that disapproval of the building permit application by the Commission could be appealed to the Board of Permit Appeals.

Mr. Haas stated that he was convinced that it would be impossible to provide off-street parking spaces in the proposed building; and he felt that it would be misleading to indicate to the Commission that they would give further study to that matter when, in fact, they would only be hoping for the vote of the seventh Commissioner.

Commissioner Dearman asked if the school was unwilling to provide the off-street parking spaces because it was unwilling to spend the money which would be required for that purpose. Mr. Haas replied in the negative. He stated that the school needs space to accommodate an enrollment of 300 students. If the garage of the subject building were to be used for parking, an additional floor would have to be added to the building to accommodate the school's space needs; but the 40 foot height limit in the area would prevent the construction of that additional floor.

Mr. Palmer stated that it would be very difficult to provide the basement parking spaces even if the school wished to do so; and parking would be impossible unless an attendant were on duty.

Commissioner Bierman asked how many students could be accommodated in the proposed classrooms. Mr. Collins replied that the classrooms would accommodate between 24 and 26 students.

When the question was called, the Commission voted 4 to 2 to adopt the draft resolution, as amended, as City Planning Commission Resolution No. 7503 and to approve the building permit application subject to the conditions contained in the draft resolution, as revised. Commissioners Dearman, Lau, Mellon, and Rosenblatt voted "AYE"; Commissioners Bierman, and Starbuck voted "NO".

At 5:30 p.m. President Lau announced a 10-minute recess. The Commission reconvened at 5:40 p.m. and proceeded with hearing of the remainder of the agenda. Commissioner Rosenblatt was absent from the meeting room for the remainder of the meeting.

CU76.11 - NORTH AND WEST SIDES OF CRESTMONT DRIVE, NORTH OF OAKHURST LANE. REQUEST FOR MODIFICATION OF A PREVIOUSLY APPROVED CONDITIONAL USE AUTHORIZATION (CU62.53) TO ALLOW CONSTRUCTION OF 5 DUPLEX HOUSES INSTEAD OF A 32 UNIT APARTMENT BUILDING, AND TO MODIFY OTHER CONDITIONS OF THE PREVIOUS AUTHORIZATION AS MAY BE APPROPRIATE.

(Under Advisement from meeting of May 6, 1976)

R. Spencer Steele, Acting Director of Planning, noted that this matter had been discussed during the meeting of May 6; and he indicated that he was prepared to recommend approval of the application subject to two conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

President Lau asked if anyone was present in the audience to speak in opposition to the subject application.

Ralph Taylor, owner of an adjacent parcel of property, stated that he had no specific objection to the proposal to develop five duplex houses on the subject property instead of the 32 unit apartment house which had previously been ap-

proved. However, he had understood that the developer of the subject property was dedicated to the proposition that he should not be able to develop his own property; and he wished to object to any actions which might be taken to meet that objective.

Commissioner Bierman, noting that a speaker at the previous hearing had indicated that access to subject site is difficult for Fire Department vehicles, asked if Condition No.1 of the draft resolution, requiring a vehicular turn-around, would solve that problem. Mr. Steele replied in the affirmative and indicated that the Fire Department had reviewed and approved the staff proposal.

John Doherty, President of the Mt. Sutro Woods Homeowners Association, stated that the concept of a "green belt" was included in the 1962 planned unit development authorization; and he felt that that concept should be retained. He stated that the original planned unit development had indicated a specific site and two alternate sites for a recreational center which will not be built; and, since he believed that it was the developer's intention to leave those properties vacant, he hoped that a requirement would be established in the Commission's resolution that those sites should remain vacant in perpetuity.

Mr. Steele stated that he did not feel that specific language would be required in the Commission's resolution to effect preservation of those sites as open space since the draft resolution would continue in effect the previous terms of the original planned-unit development authorization with the exception of the proposal to replace the 32-unit apartment house with five duplex houses and the requirement that a vehicular turn-around be provided.

Bradford McNutt, the developer, stated that the sites which had been mentioned by Mr. Doherty are owned by the Homeowners Association; and he indicated that he would have no objection if the draft resolution were to contain a condition specifying that the property owned by the Homeowners Association as common area shall be reserved as open space.

It was moved by Commissioner Bierman and seconded by Commissioner Starbuck that the draft resolution be amended to include a third condition specifying that the property owned by the Homeowners Association as common area shall be reserved as open space. Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the draft resolution, as amended, be adopted as City Planning Commission Resolution No. 7504 and that the application be approved subject to the conditions contained in the draft resolution, as amended.

CU76.13 - 263 PARNASSUS AVENUE, SOUTH LINE, BETWEEN WILLIARD STREET AND WOODLAND AVENUE.
REQUEST FOR AUTHORIZATION TO PERMIT AN EXISTING 6-PERSON
RESIDENTIAL CARE FACILITY TO EXPAND ITS CARE TO SERVE 8 AGED
PERSONS; IN AN R-3 DISTRICT.

R. Spencer Steele, Acting Director of Planning, referred to land use and zoning maps to describe the subject property which has a frontage of 25 feet on

Parnassus Avenue and an area of 2500 square feet. He stated that the existing two-story building with one parking space, which was once a boarding house, is operated by the applicant as a residential care facility for six aged persons. The applicant had requested authorization to expand the residential care facility to serve eight aged persons with no interior or exterior alterations. One bed will be added to each two large bedrooms.

President Lau asked if anyone were present to speak in opposition to the subject application and received a negative response.

Mr. Steele recommended that the application be approved subject to three specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Starbuck complimented the applicants on the quality of maintenance of the subject building.

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7505 and that the application be approved subject to the conditions contained in the draft resolution.

CU76.16 - 55 NAPOLEON STREET, SOUTH LINE, 189 FEET EAST OF EVANS AVENUE.
REQUEST FOR AUTHORIZATION TO CONTINUE AND EXPAND AN EXISTING
AUTOMOBILE DISMANTLING OPERATION FIRST APPROVED IN 1971; IN AN
M-2 DISTRICT.

R. Spencer Steele, Acting Director of Planning, referred to land use and zoning maps to describe the subject property which is an irregularly-shaped parcel with an area of approximately 82,000 square feet. The site is being used as an automobile wrecking yard under authorization granted by the Commission in 1971 for a five year period. Mr. Steele indicated that the applicant was requesting permission to continue the existing automobile wrecking yard and to expand the yard under the adjacent freeway.

President Lau asked if anyone were present in the meeting room in opposition to the subject application and received a negative response.

Mr. Steele recommended that the application be approved subject to two specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

After discussion, it was moved by Commissioner Dearman, seconded by Commissioner Starbuck, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7506 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU76.17 - 827 GUERRERO STREET, EAST LINE, 27.5 FEET NORTH OF LIBERTY STREET.
REQUEST FOR AUTHORIZATION TO CONTINUE AN EXISTING RESIDENTIAL

CARE FACILITY FOR 28 DEVELOPMENTALLY DISTURBED ADULTS FROM 18
TO 65 YEARS OF AGE; IN AN R-4 DISTRICT.

R. Spencer Steele, Acting Director of Planning, referred to land use and zoning maps to describe the subject property which has a frontage of 75 feet on Guerrero Street and an area of 4,275 square feet. The property is occupied by a 28-room building which was previously used as a boarding house and is presently used as a residential care facility for 25 developmentally disabled ambulatory adults ranging in age from 18 to 64 year. Two tandem off-street parking spaces are available in the side yard. The applicant was seeking conditional use authorization for 28 adult residents in the facility. No interior or exterior alterations were being proposed. Three beds would be added to each of three large bedrooms. He then submitted several letters which had been received by the Commission in support of the application.

President Lau asked if anyone was present in the audience in opposition to the application and received a negative response.

Mr. Steele recommended that the application be approved subject to three specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

After discussion, it was moved by Commissioner Mellon, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7507 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

The meeting was adjourned at 6:05 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

-76
- SAN FRANCISCO
- CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, June 10, 1976.

The City Planning Commission met pursuant to notice on Thursday, June 10, 1976, at 2:15 P.M. at the meeting room at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); George A. Williams, Assistant Director-Plans and Programs; Alexander Zermeno, Economic Development Programming Specialist IV; Janis Birkeland, City Planning Coordinator; Jonathan Twichell, Transit Planner III; Audrey Owen, Special Staff Assistant III; Ralph Gigliello, Planner II; Kit Herman, Planner II; David Kim, Economic Development Programming Specialist II; Robert Feldman, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that Mayor Moscone will address the Commission at its meeting next week.

The Director advised the Commission that the Northern Waterfront Planning Advisory Committee will hold its first meeting on Friday morning, June 11. He then distributed and requested members of the Commission to review Resolution No. 7282 which had been adopted by a previous Commission on January 23, 1975, endorsing the Bay Conservation and Development Commission's Special Area Plan for the Northern Waterfront with certain exceptions; and he requested members of the Commission to advise him if they had any disagreements with the position stated in the Resolution.

Commissioner Rosenblatt, noted that Condition No. 4 of the Resolution, calling for studies to assess the economic feasibility of the Special Area Plan and the Total Design Plan for the Ferry Building area, also expressed the sentiment that "the City Planning Commission believes that development under the guidelines established by the Special Area Plan may not provide an adequate return to the Port of San Francisco". That sentiment was predicated on the concept that the Port's maritime activities should be financially supported by non-maritime activities on Port land; and he indicated that he did not agree with that concept. He suggested that the condition should be modified to delete the sentiment while still calling for the economic studies.

Commissioner Mellon assumed that Commissioner Rosenblatt was taking the position that the transfer of funds from non-maritime activities to maritime activities should not be an over-riding concern; and he indicated that he would have no objection to modifying the condition as suggested by Commissioner Rosenblatt providing that the need for revenue from lands in non-maritime use is recognized.

Commissioner Dearman urged that any changes in the resolution be postponed so that she would have a better opportunity to familiarize herself with the issues involved. Commissioner Bierman agreed, indicating that some of the statements made in the "Whereas" clauses of the resolution seemed somewhat disturbing to her.

Commissioner Rosenblatt stated that he felt that it was important that the Commission should adopt a position regarding the resolution at an early date so that the Northern Waterfront Planning Advisory Committee will have the benefit of the Commission's guidance.

The Director reported on the current status of the Yerba Buena Center project and advised the Commission that the staff is working with the Mayor's Select Committee to resolve differences of opinion regarding the project.

The Director advised the Commission that he has been meeting with individual members of the staff of the Department of City Planning to get to know them and to become better acquainted with the work of the Department.

The Director reported that the Board of Supervisors had requested that further public hearings be held on the transit-preferential treatment proposed for Mission Street in the downtown area. Commissioner Bierman requested the staff to make a presentation of the plan at the Commission's meeting next week.

The Director stated that he had attended a "post-budget review" in the Mayor's office earlier in the week; and he indicated that he will be reviewing the priority of the Department of City Planning's various work program items.

The Director recommended that the Commission consider an amendment to its Rules and Regulations which would provide that all committee meetings will be scheduled at the call of the chair. It was moved by Commissioner Rosenblatt, seconded by Commissioner Finn, and carried unanimously that a public hearing be scheduled on this proposal for the Commission's meeting of June 24.

The Director introduced Alexander Zermeno and David Kim, two new temporary employees hired with funds provided by the Economic Development Administration to work on the Commerce and Industry Study. A third employee will join the staff to work on the study later in the month.

The Director advised the Commission that the staff is reviewing new plans for Golden Gateway Phase III. The new plans call for more commercial uses than housing whereas previous plans had emphasized housing.

PUBLIC HEARING ON PROPOSED CONFLICT OF INTEREST CODE TO REQUIRE FILING OF FINANCIAL DISCLOSURE STATEMENTS BY MEMBERS OF THE CITY PLANNING COMMISSION AND PROFESSIONAL EMPLOYEES OF THE DEPARTMENT OF CITY PLANNING.

Robert Feldman, Planner II, reported that each Commission, Board, Department, Agency and Bureau within city government, except those having only ministerial or clerical functions, is required to adopt, after public hearing, a conflict of interest code for submittal to the Board of Supervisors by July, 1976. He indicated that he had worked with the City Attorney's office to prepare a draft Conflict of Interest Code for the City Planning Commission and the Department of City Planning; and he distributed copies of the draft code and summarized its provisions. The code would establish procedures for annual filing of financial interest and income disclosure statements by those persons whose participation in the decision making process could foreseeably lead to material conflicts of interest. Statements would be on file with the Clerk of the Board of Supervisors for public inspection. The code would also provide for filing of disqualification statements and would require disqualification from assignments or voting where potential conflict is foreseen. Mr. Feldman remarked that the City Attorney had noted that the California Supreme Court had held recently that only those financial interests which foreseeably could be affected in a material way need to be disclosed under the Provisions of the Political Reform Act of 1974. In conclusion, Mr. Feldman stated that copies of the forms to be used were not yet available; but he understood that the form would be ten pages in length.

President Lau, noting that Section 500 of the draft code provided that lawyers would be required to report the names of any persons paying fees in excess of \$1,000, asked if the codes prepared by other agencies of the city had used the same dollar amount. After Mr. Feldman had replied in the affirmative, President Lau remarked that the provision might require a great deal of bookkeeping; and he felt that it would be desirable to change the language to provide that the only fees of \$2,500 or \$3,000 would have to be reported.

Commissioner Rosenblatt, noting that Disclosure Category 1 provided that interest in real property located within or not more than 2 miles outside of the boundaries of San Francisco would have to be reported, inquired about the significance of the 2-mile figure. Mr. Feldman replied that ownership of property on San Bruno Mountain could possibly constitute a conflict of interest under certain circumstances; and that property is probably the only property located within 2 miles of San Francisco's physical boundaries.

Commissioner Rosenblatt then asked if Disclosure Category 2 would require the disclosure of all investments in excess of \$1,000 in national firms which may in some way conduct business in San Francisco. Mr. Feldman replied in the negative, indicating that such investments would have to be reported only if those investments could foreseeably be affected in a material way by any action which the person might take in his or her official capacity. Commissioner Rosenblatt then suggested that a parenthetical statement should be included in the code to that effect.

Commissioner Rosenblatt remarked that consultants would be subject to all four disclosure categories; and he felt that the filing requirements might discourage consultants from working with the Commission. Mr. Feldman replied that consultants would have to disclose only financial interests which might possibly pose a conflict of interest; and he did not feel that the requirement would be unduly difficult for a consultant to satisfy.

Commissioner Rosenblatt requested Mr. Feldman to review the draft code to determine if it could be simplified and modified to emphasize that only financial interests which could foreseeably be affected in a material way by an official action of the person filing the forms would need to be reported.

Rai Y. Okamoto; Director of Planning, recommended that this matter be taken under advisement until the meeting of June 17. President Lau, with the concurrence of other members of the Commission, ordered that the matter be taken under advisement for one week.

EE73.195, EE73.196,

EE73.200, EE73.201,

EE73.205 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR
FIVE 6-UNIT APARTMENT BUILDINGS ON THE EAST AND WEST
SIDES OF 10TH AVENUE BETWEEN LINCOLN WAY AND IRVING STREET.
(UNDER ADVISEMENT from meeting of March 25, 1976.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the developers as well as residents of the neighborhood had requested that this matter be continued under advisement until the meeting of September 23; and he recommended that those requests be granted.

Michael Ohleyer, attorney for the developer, stated that he had written the staff of the Department of City Planning on May 21 to ask if the matter could be continued under advisement; and he indicated that he had received no response. Commissioner Bierman urged the staff to observe the common courtesy of responding to letters which are received.

It was moved by Commissioner Mellon, seconded by Commissioner Bierman, and carried unanimously that this matter be continued under advisement until the meeting of September 23, 1976.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT
APPLICATION NOS. 428231, 428406, 428407, 428408, AND 428410.
(Postponed from meeting of March 25, 1976.)

Because the Draft Environmental Impact Report for these projects had not been certified by the Commission, this matter, also, was postponed until the meeting of September 23, 1976.

CONSIDERATION OF POLICIES TO GUIDE THE DEVELOPMENT OF A REGIONAL
TRANSIT TERMINAL AT THE SITE OF TRANSBAY TERMINAL.
(Postponed from Meeting of May 27, 1976.)

Jonathan Twichell, Transit Planner III, distributed copies of a memorandum entitled "Regional Transit Terminal Development at Transbay Terminal". The report, dated June 10, 1976, is available in the files of the Department of City Planning. After summarizing the background information contained in the memorandum, he recommended that the Commission define additional policy in regard to terminal development and recommend adoption of that policy to the Board of Supervisors, as follows:

"1) The City reaffirms its commitment to development of a regional transit terminal at the site of the Transbay Terminal to meet present and future transit needs, and particularly to serve as the major terminus for all downtown office district-bound bus passengers from the East Bay, Golden Gate and Peninsula Corridors.

"2) Flexibility in design to allow for growth or change in function should be the basis for any initial development. For that reason, the Terminal Authority should maintain a presumption against extensive air rights development as the primary means of financing the terminal. The Authority should also investigate potentials for terminal development such as expansion into adjacent properties not currently owned by the State. Size of initial terminal development should also take into account potential for increased regional transit service to non-CBD destinations.

"3) Regardless of the size of the terminal as determined from current studies, the San Francisco Bay Area Transportation Terminal Authority is requested to begin work immediately to plan in coordination with other nearby property owners, City departments, transit operators and the California Department of Transportation for related facilities which are necessary and desirable for the functioning of the terminal and which are related to other planning projects requiring input and coordination now, including surface and sub-surface pedestrian links in the vicinity of the terminal, Muni interface with the terminal (ground level access by Muni should be maintained), bus ramps connections to the site from the south, connections to the site for Golden Gate Transit and transit preferential treatments in all corridors leading to the terminal (that is, on the two freeways in the Peninsula Corridor and probably on The Embarcadero surface roadway to the north).

"4) Funding for construction of a new terminal should be sought from public sources, including but not limited to the Urban Mass Transportation Administration, State of California SB 325 spillover funds, State transportation monies, toll bridge revenues and other funds (MTC budgeting already anticipates \$20 million in public funds to be allocated to the terminal in the next several years). Private funding should be used to fund the long-haul transit deck, if any, by private operators such as Greyhound and Continental Trailways.

"5) The design program for the terminal should include retention of a major, usable, public open space, subject to sunlight for the major portion of the day.

"6) Board of Supervisors Resolution No. 413-72 should be rescinded in favor of a new resolution consistent with the above policy recommendations."

Commissioner Bierman, noting that reference was made in one of the recommendations to provision of bus ramps connecting the Transbay Terminal to Interstate 280, advised the Commission that Mayor Moscone had written to the Board of Supervisors on April 9 expressing concern that such a ramp could interfere with use of the Northern Waterfront Area and suggesting that no commitments should be made by the City regarding such a ramp until further study has been made of the proposal. The Mayor had also suggested that the Northern Waterfront Planning Advisory Committee should make recommendations concerning the proposed ramp. With regard to the issue of funding for construction of a new terminal, Commissioner Bierman stated that she felt that other adjacent counties should share in meeting any costs which might be involved.

Mr. Twichell stated that State Transit Development Act funds are distributed directly to the various counties under normal circumstances; however, "spillover" funds may be directed to specific projects. After Commissioner Bierman observed that San Francisco may wish to allocate its share of "spillover" funds for a project which would have a greater benefit for residents of the City, Mr. Twichell stated that the State has taken the position that most "spillover" funds must be used for terminal construction.

Commissioner Finn remarked that there is a paucity of funds available for transportation projects in the bay area; and he emphasized that most of the funds which are available will be needed to meet the needs of existing agencies such as the Municipal Railway and BART. There will be a great deal of competition for any new funds which might be made available; and he felt that it would be unfair to allocate such funds to a new agency rather than giving them to existing systems.

Commissioner Dearman stated that she does not mind subsidizing the Municipal Railway. However, as a resident of San Francisco, she felt that she is paying more than her fair share of the cost for BART; and she did not believe that San Francisco residents should bear the major brunt of the cost for a new bus terminal which would be designed to serve the needs of residents of other counties.

Mr. Twichell stated that the staff felt that the terminal should be constructed with a combination of new public funds and private funds.

Commissioner Mellon asked if it had been definitely determined that extensive air rights development would not be required to provide financing for the terminal. Mr. Twichell replied in the negative. Rai Y. Okamoto, Director of Planning, remarked that the study which had been made in 1972 had considered only the development of office space on the site; and he felt that other uses more related to the terminal itself should be considered.

Commissioner Finn remarked that the studies which had been made of the terminal proposal in 1972 had indicated that the terminal would probably be self sustaining once it is constructed; however, the capital cost of the project would require subsidization.

Commissioner Starbuck indicated that the previous Commission had adopted a resolution in 1974 which contained policy statements regarding additions to Interstate 280; and, in view of the comments which had been made by Commissioner Bierman, he felt that it would be desirable for the Commission to review that resolution. He then remarked that the projections for increase in daily transit trips through 1995 as indicated in studies which had been made in 1972 seemed to him to be incredible.

Mr. Twichell stated that the model used for the projections is currently being restructured; and more accurate projections should be available in approximately six months.

Commissioner Mellon observed that San Francisco really should have a transit terminal if emphasis is going to continue to be placed on use of public transportation rather than the private automobile.

Commissioner Rosenblatt requested that a review be scheduled of the resolution adopted by the previous Commission which contained policies regarding additions to Interstate 280.

Don Miller, representing the San Francisco Bay Area Transportation Terminal Authority, stated that he had reviewed the staff report and had found it to be factual with a good insight into the issues involved. He hoped that the Commission would adopt a resolution affirming support for the new Transbay Terminal; however, he was concerned about some of the other recommendations which had been made by the staff of the Department of City Planning. The primary cause of his concern was one of timing. He stated that the Transbay Terminal Authority is working with a consultant whose studies are to be completed in August; and he felt that some of the recommendations which had been made by the staff might prevent their consultant from looking at all of the alternatives available. He stated that the staff of the Department of City Planning is represented on the Transbay Terminal Advisory Committee; and, as a result, he felt that the staff should be able to express its concerns directly without the necessity of formal Commission recommendations. He stated that he was primarily concerned about the recommendations concerning air rights development and the provision of open space; and he indicated that the study being under-

taken by the Transbay Terminal Authority would cover those issues. With regard to the issue of funding for the project, he remarked that there is a great deal of competition for funds for transportation projects. The present tendency seems to be to allocate available funds to demonstration projects and particularly to those projects which have the largest amount of local matching funds.

Commissioner Bierman asked if the Transbay Terminal Authority has a citizens advisory committee to assist it during the course of its study. Mr. Miller replied in the negative. He stated that the current four month study will be followed by a 20 month study; and he indicated that public hearings will be scheduled at the conclusion of the second study.

The Director believed that the recommendations of the staff would allow consideration of a reasonable number of design alternatives for the facility; and he felt that the Commission's concern should be made a matter of record as soon as possible.

Commissioner Starbuck agreed with the Director and indicated that he felt that the presumption against extensive air rights development and the recommendation for provision of open space were of great importance. He then asked if the Transbay Terminal Authority had given consideration to the possibility of issuing revenue bonds to finance construction of the facility. Mr. Miller replied that the Authority does have the authority to issue revenue bonds; however, no decision will be made as to whether that power is to be used until basic studies have been completed.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Finn and carried unanimously that Resolution No. 7508 be adopted to endorse the recommendations contained in the staff memorandum and to authorize the Director of Planning to seek implementation of those policies.

DR76.12 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NOS. 452541 AND 458701 FOR THE CONSTRUCTION OF TWO 20-UNIT APARTMENT BUILDINGS AT 370 AND 374 MONTEREY BOULEVARD, AT THE DETROIT STREET STEPS, IN A RESIDENTIAL DISTRICT.
(R-3 and RM-1)

Kit Herman, Planner II, referred to land use and zoning maps to describe the subject property which is a rectangular parcel with a frontage of 344 feet on Monterey Boulevard and a depth of 100 feet for an area slightly greater 3/4 of an acre. She stated that the site rises approximately 35 feet from Monterey Boulevard to the rear property line. There is a large out-cropping of rock in the center of the Monterey frontage. On the western 100 feet of the property seven mature Eucalyptus, ten sapling Eucalyptus and one Monterey Cypress tree are growing. An additional mature Eucalyptus tree is located centrally on the property. The remainder of the property is vacant. She stated that the property is presently zoned R-3. On May 20 the Commission had initiated consideration of RM-1 zoning for the north side of Monterey Boulevard and RH-2 zoning

for the south side of the street. The subject property is subject to a 40X height and bulk district. The applicant proposed to construct two 20-unit apartment buildings each consisting of two levels of apartments over one level of parking. Each building would be 148 feet long and approximately 38 feet in height from Monterey Boulevard. The two buildings would provide 32 one-bedroom apartments and 8 two-bedroom apartments, requiring a total of 40 off-street parking spaces. Automobile access would be provided by two one-way driveways under the buildings with access off Monterey Boulevard at the extreme ends of the site. The proposed development would require considerable excavation of the rock out-cropping and removal of all existing trees on the site. The staff of the Department of City Planning had urged that alternative designs be explored which would save some of the trees; but the developer had maintained that preservation of the trees would result in the loss of units which would reduce the economic feasibility of the project. Brian Fewer of the Street Planting Division of Public Works had visited the site and had determined that the three western trees could be retained if the existing grade were left undisturbed for a space of 25 feet from the west property line. Albert DePalma, a neighboring property owner, and the Sunnyside Neighborhood Association had written letters to the Commission requesting discretionary review of the subject buildings on account of the potential traffic and parking problems which would be generated by 40 new units, the further deterioration of the residential character of the neighborhood by the introduction of two large buildings, and the loss of all of the trees on the site.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the requests for discretionary review of the building permit applications be granted because of the nature of the project being proposed.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the requests for discretionary review be granted.

DR76.12 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATIONS
NOS. 452541 AND 458701 FOR THE CONSTRUCTION OF TWO
20-UNIT APARTMENT BUILDINGS AT 370 AND 374 MONTEREY
BOULEVARD, AT THE DETROIT STREET STEPS, IN A RESIDEN-
TIAL DISTRICT. (R-3 and RM-1)

President Lau observed that the proposed project had already been described when the Commission was considering the requests for discretionary review of the subject building permit applications; and he asked the applicant if he wished to address the Commission on this matter.

Rosario Occhipinti, the applicant, stated that he had attended a meeting of the Sunnyside Neighborhood Association in February at which time it was his understanding that the association had agreed to support his project if all of the trees were to be removed from the property, if the buildings were to be redesigned, and if a landscaping plan were prepared. As a result of that under-

standing, he had delayed removal of the trees until such time as construction work is scheduled to begin on the site. The Department of City Planning had issued a negative declaration for the project on April 2; and that declaration had not been appealed. He then requested the Secretary to read a notarized statement prepared by Satsuki Occhipinti, as follows:

"This is my statement concerning a meeting I attended at the Sunnyside Community group. The discussion concerning a building (apt.) complex was last on the agenda.

"We were there to discuss apartment buildings to be built on Monterey Boulevard. Mr. Occhipinti presented the blue prints and explained it to the group. The discussion brought up:

1. Structure and height.
2. Parking in building and street parking. Cuts in sidewalk for driveway.
3. Face of building - Composition of materials used for front of building.
4. Sidewalk allowances and plants and trees in front of building.
5. Trees on property - cutting trees.

"To my understanding, the group after much discussion gave their permission to cut trees if we would submit plans to replace trees in our landscaping of grounds.

"As we were leaving the meeting, Mr. Jesse David Wall, President of Sunnyside Community group, and J. Deleuse, gave me their cards to call them when we were to cut trees as they would like to have the firewood. They even offered to help cut trees if they could get some firewood."

Mr. Occhipinti stated that the proposed buildings had been designed so that only two curb-cuts would be required for access to and from the parking garages in the building; and, as a result, fifteen on-street parking spaces would remain in front of the buildings. Since tenants of the buildings would have to climb a flight of stairs to gain access to their apartments if they were to park on the street, he anticipated that they would choose to park within the building; and, if so, the on-street parking spaces would be available for other residents of the neighborhood or their guests. Landscaping would be provided in the rear yard area and on the sides of the buildings. The city had already planted 10 street trees in front of the property; and he intended to plant 10 additional street trees. He stated that he had obtained the signatures of 104 property owners within a 300 foot radius of the subject site in support of the proposed project; and he indicated that he had signed the petition 14 times himself because he owns 14 lots.

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Most of the people who live in the immediate neighborhood favor removal of the existing trees because they are tired of cleaning up leaves which blow on their properties; and, in any case, there was no way that the trees could be preserved if the proposed development were to proceed. He felt that the proposed project would enhance the neighborhood because the subject property is presently littered with debris. In conclusion, he stated that he had collected more signatures in support of the project than the Sunnyside Neighborhood Association had collected in opposition to the project; and, therefore, he felt that the applications should be approved by the Commission.

Mrs. Michels, owner of property located at 371 Joost Avenue, stated that her property is located directly behind the subject properties. She advised the Commission that there were no trees whatsoever in the area 55 years ago. Some of the trees were planted in 1920; and others have sprouted during the past 30 years. She stated that she was of the opinion that Eucalyptus trees grow too fast and that they are too messy.

Mr. Occhipinti, referring to fires in the Berkeley Hills, indicated that Eucalyptus trees are a tremendous fire hazard.

Mrs. Michels stated that one lot in the neighborhood has no access except from the Detroit Street steps; and she felt that it would be nice to use that lot for a small park or recreation area. Mr. Occhipinti stated that the city has funds for creation of small parks; but he indicated that two residents of the subject neighborhood were opposed to the idea of a park because they do not like children.

Commissioner Starbuck inquired about the amount of separation between the two proposed buildings and the depth of the buildings. Mr. Occhipinti replied that a 15 foot sidewalk would be provided between the two buildings and that the buildings would have a depth of 55 feet. Commissioner Starbuck then asked about the length of the buildings and was advised that each of the buildings would be 148 feet long.

Mr. Occhipinti stated that he had deleted one apartment unit from his project so that he would be able to provide ample space between the two buildings; and he distributed photographs of other apartment houses in the area with lengths varying from 80 feet to 150 feet. While the case report which had been prepared by the staff of the Department of City Planning had indicated that his construction firm is based in Pacifica, he advised the Commission that he has worked in San Francisco for forty years.

Commissioner Rosenblatt inquired about the rental rates which would be charged for apartments in the buildings. Mr. Occhipinti replied that the one-bedroom apartments would rent for \$200 a month and that the two-bedroom, two bath, units would rent for \$350 a month.

Joseph Renner, 863 Joost Avenue, stated that he did not feel that the renderings which were on display in the Commission meeting room accurately reflected the steepness of the grade of the subject property.

Albert DePalma, 403 Monterey Boulevard, agreed that the slope is actually steeper than it appeared on the plans which had been submitted. He stated that Monterey Boulevard is a heavily traveled street; and municipal railway buses frequently cause traffic congestion as they load and unload passengers. Under the circumstances, he felt that the applicant was proposing too many units for the size of the subject property and for the number of off-street parking spaces which were being proposed. He expected that many tenants of the buildings would own two or more automobiles; and he felt that it would be impossible for them to find on-street parking spaces in the neighborhood.

Samuel Schneider, the applicant's building designer, stated that he had studied the development potential of the subject site before it was purchased by Mr. Occhipinti and had determined that a maximum of 42 units could be constructed on the property. He remarked that there is a shortage of housing in San Francisco; and he observed that restrictions placed on the development of new housing will make that housing more expensive. He remarked that the subject neighborhood has many older houses which have no off-street parking spaces; and that situation contributes to the parking problem in the area. However, the city belongs to everyone; and he did not feel that the Commission could refuse to permit construction of the proposed housing merely because some of the residents of the buildings might park on the streets. He advised the Commission that the driveway presently on the site is not the permanent driveway but was merely constructed so that a truck could get onto the site to collect soil samples; and he assured the Commission that the permanent driveway would not exceed the maximum 25% grade permitted by the city. He indicated that the developer would plant ivy on the retaining wall at the rear of the site and would install other landscaping on the property. In conclusion, he emphasized that reduction of the number of units in the proposed building would result in higher rents.

The Director, noting that the plans which had been prepared for the proposed project would involve a rather complicated maneuvering system for automobiles entering or leaving the garage, asked Mr. Schneider if he felt that the proposed arrangement would be workable. Mr. Schneider replied that the maneuvers would not be difficult for small automobiles.

The Director then remarked that a more workable system might result if independently accessible garage spaces were introduced with combined driveway to maximize the amount of on-street parking which would remain; and such a change would begin to give some variety to the facades of the buildings.

David Wall, President of the Sunnyside Neighborhood Association, stated that the members of his association were concerned about the solid mass of the proposed apartment buildings and about the loss of trees and pockets of open space, all of which would affect the quality of life in the subject neighborhood. He

remarked that the subject property is located on the side of the hill whereas the adjacent neighborhood is located in a valley; and, as a result, the subject property with its trees is highly visible. While the association did not wish the applicant to maintain a wild life refuge on the subject property, they did hope that some of the trees would be preserved. Furthermore, the solid mass of apartment buildings being proposed would not be in keeping with the present character of development in the neighborhood. He stated that Mr. Occhipinti had attended a meeting of the neighborhood association in February; and, after members of the association had had an opportunity to think about what was said at that meeting, they had decided that some of the things which Mr. Occhipinti had said were not true. They had asked why the facade design of the building was so repetitive, and Mr. Occhipinti had led them to believe that the design had been forced upon him by the staff of the Department of City Planning. They had also inquired about the trees on the site, and Mr. Occhipinti had stated that the trees are dying and that they could not be saved. Later, however, a tree specialist had testified that the trees are in perfect health and that they have a life expectancy of approximately 30 more years. While some people might not be fond of Eucalyptus trees, they have thrived on the subject property while other species of trees which have been planted in the neighborhood have died. Trees of any variety enhance a neighborhood; and he did not understand why it would not be possible for the developer to shorten the proposed buildings so that some of the trees could be preserved. He also felt that the design of the facades of the buildings should be changed, particularly in view of the fact that another apartment building with similar design is located on an adjacent property. However, if the developer wished to retain the mirror image design, he felt that the buildings should be shortened and that a larger plaza should be provided between them.

Arthur Occhipinti stated that Mr. Wall had indicated that he would not oppose removal of the existing trees providing that he would be given the firewood and providing that new trees would be planted on the site. He then advised the Commission that he and his brother would develop 14 single-family dwellings on the subject lots on a lot-by-lot basis if the permits for the apartment buildings were to be disapproved.

Paul Hartzo, 258 Monterey Boulevard, stated that he would prefer construction of 14 single family houses, especially since such buildings would probably be owner-occupied. He remarked that the subject neighborhood had become more transient during the last decade because of the construction of new apartment buildings; and he indicated that he would prefer that the single family residential character of the area be maintained.

Mr. Brosio, 351 Monterey Boulevard, stated that he lives across the street from the subject property. While the Eucalyptus trees on the subject site may be pleasant to look at from a distance, immediate neighbors regard them as a nuisance. He stated that garbage has been dumped on the subject property; and he felt that the property should be improved especially since the city had spent a great deal of money to widen Monterey Boulevard and to install landscaping on the street.

John Bettencourt, 387 Joost Avenue, read the following statement:

"As a comment on the petitions presented by both Mr. Occhipinti and the Sunnyside Neighborhood Association, I feel that this is not an issue that should be solved by popular vote alone. The immediate issues can be confusing and not fully explained or, equally, misrepresented in a petition. This Commission should determine through a review of the consensus of the immediate neighborhood and also include a broader view of the common weal. This might include a perspective extending to the whole of the City and future generations. I hope this Commission has a policy that extends beyond the immediate profits of property speculation, increased tax base, and other growth economy systems. Consideration should also be given to public costs such as expanded sewage facilities, public transportation, and other utilities which increase disproportionately as population concentrates.

"This Commission's declaration last April was based on a criteria of directly measurable impact on the environment. I am asking for a more difficult but humane assessment.

"The north side of Monterey Boulevard in the area we are concerned with is rapidly becoming a solid wall of barracks type buildings, increasing the population density in an area of predominately single-family residences on an already overcrowded 25-foot grid pattern. Apartment type dwellings are for a basically transient population and incompatible with the neighborhood homeowner idea when the apartments begin to predominate. We may soon have two new 148 foot buildings adjoining an existing 100 foot building.

"Monterey Boulevard is already an overcrowded main arterial with fast moving traffic serving the large area west of the 280 freeway. Traffic and parking are further aggravated by the commuter parking at the Glen Park BART Station on our east boundary and the student parking at City College on our west boundary. How can we survive?

"The few remaining old and large trees are all that keep the slopes north of Monterey Boulevard from looking like the new but bleak developments on the Daly City side of San Bruno Mountain, which we should remember were once wooded with Oak trees many years ago till they were cut for firewood and burned for clear grazing ground.

"In conclusion I ask that some alternative, in the size, style, or the scope of this project be found that will not be destructive of all concerned."

Mr. Steele, recommended that the building permit applications be approved subject to the following four conditions:

- "1. Plans for the building shall be developed in consultation with and receive approval by the staff of the Department of City Planning. Special attention to be given to scale and facade design that is architecturally consonant with the house-like character of the surrounding residential area.
- "2. Plans for the western building, labeled Exhibit 'C', shall be altered to continuously maintain the existing grade within 25 feet of the western property line so that the three mature Eucalyptus in this area can be retained. Care of these trees prior to, during and after construction shall be under the guidance of a tree expert to assure their survival. The guidelines for 'Safeguarding of Trees During Work on Site' in the proposed ordinance for the 'Protection of Trees' shall be adhered to;
- "3. Street trees and other landscaping shall be installed in general conformity with a scheme developed in consultation with the Department of City Planning. Planting in the unimproved portion of the City sidewalk along Monterey and the Detroit Street right-of-way shall be heavily landscaped with trees, shrubs, vines and ground-covers. The rear yard shall be densely covered with plant material to minimize erosion. Planting shall be provided adjacent to retaining walls along the driveways. Planted areas shall be provided with automatic irrigation and permanently maintained in conformity with a landscaping plan submitted to and approved by this Department prior to permit approval; and
- "4. The Eucalyptus trees which are located on the property immediately to the north shall be given protection from construction damage, to include retaining walls to maintain the existing grade within 15 feet of the base of the trees if necessary."

Mr. Steele then suggested that the applicant might wish to consider construction of three smaller apartment buildings on the property instead of the two buildings being proposed since the smaller buildings would at least be more in scale with existing apartment houses in the area.

Commissioner Starbuck asked if any of the conditions which had been recommended by Mr. Steele would foreclose the possibility of constructing three apartment buildings on the site. Mr. Steele replied in the negative but indicated that an additional building permit would be required.

Arthur Occhipinti stated that the 25 feet of open space required by Condition No. 2 of the draft resolution would mean that four units would have to be deleted from the proposed apartment buildings; and, if the trees were to be maintained, he felt that the city should assume liability for any damage which they might cause if they should fall on adjacent buildings.

It was moved by Commissioner Starbuck and seconded by Commissioner Bierman that the permit applications be approved subject to the conditions which had been recommended by Mr. Steele.

Commissioner Finn stated that he lives in an area which is heavily wooded with Eucalyptus trees; and he indicated that he is not enamored of that species of trees. Eucalyptus trees have a rapid growth and are shallow-rooted; and he could recall at least four occasions on which trees had blown down in his neighborhood. He noted that the Tree Ordinance which had recently been reviewed and endorsed by the Commission, once in effect, would require the applicant to replace any trees which might be removed on the site; and he felt that such a requirement would be appropriate. However, he did not feel that it would be fair to require the applicant to incur a major expense merely to preserve a few Eucalyptus trees.

Commissioner Mellon stated that Eucalyptus trees are relatively safe until they acquire a girth of three feet. Thereafter, they may be somewhat hazardous. He indicated that he had seen a number of Eucalyptus and Cypress trees uprooted in the Lake Merced area. Under the circumstances he felt that the proper action for the Commission to take would be to require the applicant to replace the existing Eucalyptus trees with more suitable trees once the project is completed. He emphasized that San Francisco has a shortage of housing units; and he noted that the units being proposed by the applicant would be rented for a moderate price. Therefore, he felt that it would be unfortunate to delete four units from the project. While he agreed that it would be desirable to achieve some improvement in the design of the proposed buildings, he did not feel that four units should be sacrificed for the purpose of saving a few Eucalyptus trees.

Mrs. Occhipinti stated that she agreed with the comments which had been made by Commissioner Mellon; and she distributed two articles which had appeared in last Sunday's paper regarding the shortage of apartment units in San Francisco. She noted that a BART station is located within five blocks of the subject property; and, as a result, she expected that many of the tenants of the proposed buildings would use public transit rather than their own automobiles.

Commissioner Dearman acknowledged that Eucalyptus trees do grow fast; and, in addition to their other problems, they have a tendency to block views. She stated that she would prefer to see the subject site developed with 14 single-family dwelling units instead of the two apartment buildings which had been proposed; and she asked Mr. Steele if he felt that a reasonable project could be worked out along those lines.

Mr. Steele replied that the applicant would have to determine if such a project would be feasible and desirable. He remarked that the number of units in the proposed buildings would have to be reduced whether the existing trees were to be retained or replaced. With regard to the issue of design, he remarked that the staff of the Department of City Planning and the applicant may not be

able to agree on a facade design which is architecturally consistent with the character of the surrounding residential area. In that case, the matter would be brought back before the Commission for resolution.

Commissioner Bierman asked if the applicant would have the right to sell the subject property on a lot by lot basis without obtaining approval from the City Planning Commission. Mr. Steele replied that the property would have to be subdivided before it could be sold on a lot by lot basis; and the subdivision would have to be approved by the Commission. Furthermore, any future building permit applications which might be filed for the subject property or for any portion thereof could be brought before the Commission for discretionary review.

Commissioner Bierman remarked that she felt that trees are quite important to a neighborhood; and, if the trees were to be removed from the subject site, the area would have a bare appearance like many other areas of the city.

The Director stated that he lives on Telegraph Hill; and he indicated that there are a large number of Eucalyptus trees growing in the shallow soil in that area. Furthermore, he noted that Eucalyptus trees are used as wind screens in the San Joaquin Valley. As a result, he was not convinced that Eucalyptus trees are necessarily hazardous. He acknowledged that there is a need for additional housing units in San Francisco; and that problem is taken very seriously by the staff of the Department of City Planning and the City Planning Commission. However, the Department and the Commission are concerned about the quality of life in San Francisco's residential neighborhoods; and one of the purposes of the discretionary review procedure is to protect the environmental quality of the neighborhoods.

After further discussion, the question was called and the Commission voted 5 to 2 to adopt Resolution No. 7509 and to approve the applications subject to the conditions which had been recommended by Mr. Steele. Commissioners Bierman, Dearman, Lau, Rosenblatt and Starbuck voted "Aye"; Commissioners Finn and Mellon voted "No".

The meeting was adjourned at 5:25 P.M.

Respectfully Submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, June 17, 1976.

The City Planning Commission met pursuant to notice on Thursday, June 17, 1976, at 2:15 P.M. in the Meeting Room at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President;
Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon,
and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Lucian Blazej, Planner IV; Alec Bash, City Planning Coordinator; Marie Zeller, Planner III; Jonathan Twichell, Transit Planner III; D. Audrey Owen, Staff Assistant III; Franz Von Uckermann, Planner III (Zoning); Robert Feldman, Planner II; David Fulton, Planner II; Edward Green, Planner I; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Kevin Leary represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, advised the Commission that the Board of Supervisors had amended the Administrative Code to require that budget proposals for the ensuing fiscal year must be submitted to the Controller by October 1. Accordingly, the following schedule has been proposed for preparation and adoption of the budget for the Department of City Planning for fiscal year 1977-78:

1. Public Hearing on Work Program and Budget -- July 29
2. Presentation of Proposed Work Program and Budget
as recommended by the staff -- August 26
3. Adoption of Work Program and Budget by the
City Planning Commission -- September 16

The Director reported that proposed corrections in the Residential Zoning District Maps and Standards will be brought before the Commission for consideration at its meeting next week. Commissioner Starbuck requested that a Special Meeting of the Implementation Committee (Commissioners Starbuck, Bierman, Dearman) be scheduled on Tuesday, June 22, at 1:00 P.M. to review the proposed corrections.

The Director advised the Commission that a field trip will be scheduled at 1:00 P.M. next Thursday to visit properties which will be considered during the Zoning Hearing to be held on July 1.

The Director announced that a public hearing on the Draft Environmental Impact Report for the San Francisco Executive Park project on the south side of Bayview Hill has been scheduled for July 22. A public hearing on the Draft Environmental Impact Report for the North Point Park Marina (Simmons) project has tentatively been scheduled for the July 29.

The Director recommended the adoption of a draft resolution which would authorize him to submit a request for a supplemental appropriation to abolish one 1408 Principal Clerk position in the Department of City Planning and to replace it with a 1450 Principal Clerk Stenographer position. He indicated that the reclassification had been approved by the Civil Service Commission. After discussion, it was moved by Commissioner Mellon, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7510.

The Director noted that the Department of City Planning is working with the Mayor's Select Committee on Yerba Buena Center as it evaluates and makes recommendations on plans for that redevelopment project area; and specific guidelines had been set for the work which is to be accomplished by the Department. He advised the Commission that it had been determined that the Department has need for the professional services of a consultant in order to assist in carrying out the Department's responsibilities; and he recommended that a draft resolution which contained the following Resolved clauses be adopted by the Commission:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby authorize the Director of Planning to execute an agreement with John M. Sanger to render certain technical or professional services in connection with the Department's work for the Mayor's Select Committee on Yerba Buena Center for an amount not to exceed \$10,000; and be it

"FURTHER RESOLVED, That this authorization is contingent on the amendment of the Planning and Management Assistance Grant (Project CPA-CA-09-39-1068) by the U. S. Department of Housing and Urban Development to permit the proposed study and providing that the funding allocation is approved by the Mayor's Office."

After discussion, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7511.

Mayor George R. Moscone, who was present to advise the Commission of the responsibilities which he expects it to assume relative to the major issues facing the City, made the following statement:

"Last Sunday's New York Times carried an article, the opening paragraph of which stated, 'habitat, the United Nations Conference

on Human Settlements, came out strongly in favor of public participation in community planning and for major clearance and renewal projects only when renewal of existing neighborhoods is not feasible.' The article went on to say that the conference 'urged that 'quality of life' be a major determinant in community design.' I am happy to acknowledge that those words reflect the philosophy by which San Francisco planning has been carried out for a number of years. We are now in a position, with that as our basic philosophy, to move beyond those standards of performance.

"I would like, at the outset, to compliment this Commission for the hard work and dedication you have shown thus far. We discussed, when you were sworn in, that your job would not be easy. You are in a unique position. You were one of the first Commissions I named. You are in charge of a department that has a great deal of impact on every neighborhood of this City. The make-up of this Commission has been more closely scrutinized by larger number of people than any other I will name. I gave you a charge to protect the environment, but to allow for development that is thoughtful and well designed, growth we will not be ashamed of 10 or 20 years from now.

"DECISIONS BY THE COMMISSION

You know already that the decisions you make are not always popular. Those that are not popular, indeed every decision you make, must be legally and morally justifiable. I think you can justify every decision you have made thus far. I know that you will continue to do so. The reasons for your actions must be fully explained. If someone is turned down, they must know why. If changes are asked for, they need to be justified. If redesigning is required, the extent of that redesign must be explained.

"I would add that the process you have devised to instruct opposing viewpoints to be worked out by the interests involved, is an excellent approach. While seemingly an initial delay, in the long run, I think this speeds the process. It also results in better designs and buildings more compatible with surrounding area.

"ROLE OF COMMISSION TO STAFF

I expect this Commission to set policy for the City Planning Department and to give strong direction to your staff. Your department, like every other in City government, has been hard-hit by the fiscal crisis. You have lost a significant number of people. I want you to take a close look at how you are using personnel. I would hope that you give highest priority to those tasks that

have the most direct impact on people, those tasks which have the most direct connection with individuals who seek assistance from your department. I expect you to thoroughly review all the functions now being carried out by your staff to assure yourselves that the minimal staff you have left is really performing services that will have a significant effect on our City in the foreseeable future. If some task, which you find no longer relevant are mandated upon you, I would expect you will come to me asking for statutory relief.

"The Mayor's office receives complaints about every agency and department. In relation to your Department, the complaints are not normally about specific decisions, but rather the amount of time it takes to get something out of your shop. Decision-making may have become too bureau-craticized. Citizens who deal with Planning have the right to know where they are at all times in the process.

"I hope to initiate a careful review of the entire permit system in this City. In the meantime, I look forward to this Commission and your staff making its own processes more streamlined and more effective.

"RESIDENTIAL ZONING STUDY

While the overall initial reaction to this study seems to be favorable, there are refinements that must be made. You have an arduous schedule of neighborhood meetings ahead of you and I am confident you will be responsive to the concerns of individual neighborhoods. I would encourage this Commission to devise a plan that will be sent to the Board of Supervisors and the Mayor that is simplified and understandable. "Planning-ese", a language understood only by other planners, is not tolerable either to me or to the people of San Francisco.

"YERBA BUENA CENTER

Yerba Buena simply cannot remain a wasteland. YBC is the biggest planning issue facing this City. Your chairman, Gordon Lau, is participating on the Select Committee and your staff is lending great assistance in development of much of the research for this project. I hope for the continued cooperation and participation of this Commission as the YBC plan evolves. I wish to thank you for your assistance on this project. If the Select Committee on Yerba Buena devises a plan that requires change in the Master Plan, it will come before you for your review. I would ask you to act expeditiously on changes.

"REHABILITATION HOUSING STUDY

Although this study is just getting off the ground, I see this as one of the major projects you will be addressing this year. I do not have to remind you of the soaring housing costs and increasing rents people who want to continue to live in this City face. The scarcity of vacant land precludes a solution through new housing starts. We already know that our hope is rehabilitation. San Francisco currently is completing participation in the Federally

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Assisted Code Enforcement (FACE) program. Rehabilitation Assistance (RAP) has yet to make a loan and does not seem applicable to every neighborhood of this City. We must have a variety of approaches that address themselves to the needs of the different geographic, economic and structural differences in this City. We must know how to address the problems of sources of finance, increasing rents, relocation where major rehabilitation must be done. I look forward to the results and recommendations of that study.

"COMMERCE AND INDUSTRY ELEMENT OF THE MASTER PLAN

The problem of providing jobs for the people who need them and maintaining the economic vitality of San Francisco is a long way from being solved. The outcome of this study will prove crucial to the economic future and the face of San Francisco for years to come. I will expect this Commission and your staff to publish a usable, workable document. It must address the problem of how this City will cope and what is reasonably attainable. It must develop methods for this City to deal with foreseeable regional and local economic forces. The report must be action-oriented, it must not provide options we can't do anything about, that are unreachable.

"ENERGY AND TRANSPORTATION

Like any other area in the United States, San Francisco must begin to deal with the problem of resource conservation. We must look at not only the commuter/automobile problem, but every aspect of conservation, energy as well as water. Energy problems must be considered as part of the planning process. This City has been offered assistance from the Federal Energy Commission to devise an energy conservation plan. I will look to you and your department for assistance in developing that plan.

"CONCLUSION

In conclusion, ladies and gentlemen, I believe San Francisco can be made a little more livable, not only for those of us living here today, but for our children. San Francisco is a special place in which to live. We are making decisions today that will determine if it will continue to be so."

Commissioner Bierman stated that it had come to her attention that the State Legislature is considering a senate bill which would require prior approval of an owner before a property can be considered as a State Historic Landmark or for the National Register of Historic Places; and she felt that the Commission should go on record in opposition to that legislation.

Commissioner Starbuck stated that two members of the Landmarks Preservation Advisory Board intend to attend a sub-committee hearing on the legislation; and he suggested that the Commission might request them to express the Commission's position regarding the matter.

Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the Commission take a position opposing Sen-

ate Bill 1514 and that it request members of the Landmarks Preservation Advisory Board who intend to attend a sub-committee hearing on the matter to express its opposition to the proposal.

Commissioner Starbuck requested the staff to review the recent proposal to decrease cable car service during the winter months in the light of the city's transit first policy and to bring this matter before the Commission for consideration at an early date.

PUBLIC HEARING ON PROPOSED CONFLICT OF INTEREST CODE TO REQUIRE FILING OF FINANCIAL DISCLOSURE STATEMENTS BY MEMBERS OF THE CITY PLANNING COMMISSION AND PROFESSIONAL EMPLOYEES OF THE DEPARTMENT OF CITY PLANNING.
(Under Advisement from meeting of June 10, 1976.)

Robert Feldman, Planner II, distributed revised drafts of the proposed Conflict of Interest Code, indicating that the wording of some of the disclosure categories had been changed and that the following statement had been inserted in parentheses at the bottom of Exhibit B enumerating the disclosure categories: "the term 'investment' does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or bond or debt-instrument issued by any government of government agency. No asset shall be deemed an investment unless its fair market value exceeds one thousand (\$1,000) dollars. Disclosure of financial interest is required only of those interests which could be affected in a material way by the decisions of the designated employee."

Mr. Feldman noted that a member of the Commission had asked if an additional change could be made in the draft code which would provide that fees for legal or brokerage services need be reported only if they exceed \$2,000 or \$2,500 instead of the \$1,000 figure which had been included in the draft code; but he had been advised by the City Attorney's office that State law required that the figure remain at \$1,000. He then recommended that a draft resolution be adopted which would approve the Conflict of Interest Code as amended. In conclusion, he stated that public hearings will be held by the Board of Supervisors on the conflict of interest codes which have been formulated by all city agencies.

President Lau requested that the staff obtain a written statement from the City Attorney to the effect that legal fees in excess of \$1,000 must be reported only in the case of a foreseeable material conflict of interest.

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 75.2 and that the Conflict of Interest Code be approved.

R76.9 - REVOCABLE ENCROACHMENT PERMIT FOR RETAINING WALL AND ACCESS AT
OLD BURNETT AVENUE BETWEEN GRAYSTONE TERRACE AND BURNETT AVENUE.

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"The proposal is to construct an access road with retaining wall to serve a proposed nine-unit building at 270 Burnett Avenue, Lot 17 in Assessor's

Block 271913, authorized under Building Permit Application No. 429388 on October 6, 1975. The wall would have a maximum height of 10 feet or less and would be approximately 65 feet in length, connecting at its northern end with an existing retaining wall. The roadway would provide access north from Burnett Avenue, over a portion of the Old Burnett Avenue right-of-way, to the garage of the proposed apartment building. The location of the building is very prominent, on the northeastern slope of Twin Peaks, and the retaining wall would be visually exposed as well.

"The Residence Element of the Master Plan calls for encouraging the development of housing on vacant sites not designated for open space, and calls for landscaping setbacks and relating landscaping to that of adjacent properties. The Urban Design Element calls for the installation and maintenance of landscaping in public and private areas. The use of planting to screen the retaining wall would reduce its visual prominence."

No was present in the audience to be heard on this matter.

Mr. Bash recommended that the granting of the Revocable Encroachment Permit be approved as in conformity with the Master Plan provided that plant materials are installed to screen the retaining wall from view.

Rai Y. Okamoto, Director of Planning, suggested that it might be wise to specify the species of plant material to be installed and that they should be maintained. Mr. Bash replied that the staff of the Department of City Planning had worked with the applicant in the selection of plant material; and he believed that there would be no problem with maintenance once they have been installed.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Starbuck, and carried unanimously that the Director be authorized to report that the granting of a Revocable Permit for a retaining wall and access at Burnett Avenue between Graystone Terrace and Burnett Avenue is in conformity with the Master Plan provided that plant materials be installed to screen the retaining wall from view.

R76.13 - SALE OF RESERVIOR PROPERTY AT 2277 - 44th AVENUE NORTH OF SANTIAGO STREET.

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"The proposal is to sell Water Department property at 2277 44th Avenue, Lot 14 in Assessor's Block 2305, which has been declared by the Public Utilities Commission to be surplus to its needs. The property has a frontage of 100 feet and a total area of 12,000 square feet, and presently contains a 500,000 gallon concrete-covered reservoir. The site slopes downward from 44th Avenue, and contains no significant trees. The property is within an R-1 (One-Family Residential) district, and is proposed for a P(Public) district, while surrounding property is proposed for an RH-1 (House, One-Family) district. Development in the vicinity consists of single-family homes, which on this frontage conform to the legislated nine-foot front setback.

"The Recreation and Open Space Element of the Master Plan, in Citywide System Policy No. 1, states that when public land becomes surplus to one public use, it should be reexamined to determine what other uses would best serve public needs, with priority to direct public use that meet either immediate or long-term public needs. There are no apparent public uses for which this site should be reserved, and the construction of single-family homes on the site would meet the policy of the Residence Element calling for the conversion of underutilized non-residential land to residential use."

Mr. Bash then recommended that the proposed sale of the property be approved as in conformity with the master plan.

Commissioner Bierman, noting that Mr. Bash had stated that there are no "significant" trees on the site, asked if there are any trees at all on the property. Mr. Bash replied that there are only a few small shrubs on the site.

Commissioner Starbuck asked if any small parks or open space are available in the subject neighborhood. Mr. Bash replied in the affirmative, indicating that such facilities exist to the north and to the east of the subject site.

Rai Y. Okamoto, Director of Planning, asked if it would be possible to recommend that a condition be affixed to the sale requiring that the private owner should maintain the property and not allow it to become an attractive nuisance. Mr. Bash replied that it would be possible for the Commission to recommend to the Director of Public Works that such a condition be established.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), expected that the property would be developed almost immediately after it is sold. However, if the property should remain undeveloped and become a nuisance, the matter could be referred to the Department of Public Health for enforcement.

Commissioner Dearman asked if residents of the subject neighborhood had been advised of the proposed sale. Mr. Bash replied that the Department of City Planning does not customarily notify adjacent property owners of such transactions; however, he expected that notice will be given by the Real Estate Department at some point in time. He indicated that he had discussed the matter with the staff person who handles liaison activities with the subject neighborhood.

President Lau requested the staff to determine whether the sale of public property is advertised in the official advertising newspaper.

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Rosenblatt, and carried unanimously that the Director be authorized to report that the sale of property at 2277 - 44th Avenue, Lot 14 in Assessor's Block 4305, is in conformity with the Master Plan.

At 3:25 p.m. President Lau announced a ten minute recess. The Commission reconvened at 3:35 p.m. and proceeded with hearing of the remainder of the agenda.

REVIEW OF MISSION STREET TRANSIT PREFERENTIAL PLAN

Jonathan Twichell, Transit Planner III, stated that the Department of City Planning, working jointly with the Department of Public Works and the Municipal Railway, had prepared a Transit Preferential Streets Program in 1972. The Board of Supervisors, acting in the Spring of 1973, had adopted a "transit first" policy; and after reviewing the Transit Preferential Streets Program, the Board had approved the implementation of transit preferential plans for Mission Street in the downtown area and for Fourth Street. Subsequently, Federal funds were obtained; and, as of one month ago, all of the required Federal and local funds for the Mission Street project were available. However, the Finance Committee of the Board of Supervisors, at its meeting on Wednesday evening, had decided to rescind the local funds which had been appropriated for the project.

Mr. Twichell advised the Commission that a Transit Preferential Program had been recommended for Mission Street for the following reasons:

1. Mission Street is the second most heavily used transit corridor in San Francisco.
2. Mission Street carries three times more Municipal Railway bus-riders than automobile-users.
3. A Transit Preferential Program for Mission Street would be consistent with the Board of Supervisors' "transit first" policy.
4. The Transit Preferential Program for Mission Street would speed bus service, increasing transit capacity at little cost.
5. The plan which had been proposed would divert only through automobile traffic and would allow local traffic to use the street.
6. There was no proof that reduced automobile traffic on the street would seriously affect businesses; and, in fact, the recent bus strike had indicated that the opposite was true.

Mr. Twichell stated that the staff of the Department of City Planning had conducted a visual survey of businesses along Mission Street and had found that they fall into four general categories. Many of the businesses are wholesale supply houses which do not depend on people off the street for their business. The second category of use is pawn shops. A third category consists of local service uses such as groceries, bars, and sandwich shops. Finally, the street has several automobile-oriented uses. One of the automobile-oriented uses at Mission and Eleventh Streets had objected to automobile diversion at Eleventh Street; and, as a result, the Board of Supervisors was considering relocating the diversion to Tenth Street. Recently, the newspapers had expressed concern about the proposed project; and, as a result, the Board of Supervisors had requested that the project be postponed and that further hearings be held on the matter. A public hearing had been scheduled by the Fire, Safety and Police Committee and will be held on July 8.

Mr. Twichell then described the Transit Preferential Plan which had been proposed for Mission Street. He stated that it would not be possible to provide two bus lanes on Mission Street because of the narrow width of the street. Therefore, a single bus lane had been proposed to serve out-bound traffic; and, diverters were proposed to discourage use of in-bound lanes by through automobile traffic. He emphasized that Mission Street is one of the most vital transit corridors in the City; and he thought that the interests of the large number of people who use public transportation may be more important than the interests of businessmen on Mission Street. If funds for the project are to be provided by the Board of Supervisors, it will be necessary to start at the beginning again in order to implement the program; and, for that reason, he felt that it would be appropriate for the Commission to adopt a resolution favoring implementation of a Transit Preferential Plan for Mission Street at the present time.

Commissioner Bierman stated that she is a supporter of the City's "transit first" policy; but she was also concerned about the interests of the merchants on Mission Street. She noted that hardware stores and other similar businesses are located on the street; and she remarked that customers of those stores will go elsewhere if it becomes too difficult for them to obtain access to the stores on Mission Street.

Mr. Twichell emphasized that automobile access will continue to be available to all properties on Mission Street; and most of the existing on-street parking will be retained. He felt that the Yerba Buena Center Project will ultimately have a far greater effect on the type of businesses which are to be on Mission Street than the traffic pattern on the street.

Commissioner Starbuck inquired about the cost of implementing the Transit Preferential Plan for Mission Street. Mr. Twichell replied that the cost of the project would be approximately \$280,000 with more than 80% of the funds being made available by the Federal government. The major part of the money would be spent to relocate the overhead trolley bus wires.

Commissioner Finn stated that the purpose of the proposed plan was to alleviate congestion during rush hours, particularly in the morning. When a study was made of commuter traffic on Market Street, it was found that most local commuters tend to leave Market Street between Eleventh and Fourth Streets; and he expected that the same pattern is true on Mission Street. If so, he did not believe that the proposed Transit Preferential Plan would unduly inconvenience local people who use their automobiles to drive to work.

Commissioner Bierman asked if it would be possible to have the Transit Preferential Plan in effect only during rush hours. Mr. Twichell replied that the proposed traffic diverters would be constructed of concrete and could not be moved. Painted stripes could be used to divert traffic during the morning and evening rush hours; but he doubted that striping would be effective.

Commissioner Starbuck stated that he regarded the Mission Street Transit Preferential Plan as one of the most important planning projects which had been proposed in the last decade; and he felt that it would have a significant impact on the efficiency of Municipal Railway operations.

Commissioner Bierman stated that she would probably vote to support the Mission Street Transit Preferential Plan; but she continued to be concerned about the effects of the plan on businesses located on the street.

Mr. Twichell acknowledged that the plan would have a definite but marginal effect on businesses located on the street; but he emphasized that the plan would have a positive impact on the efficiency of transit service.

Commissioner Finn stated that transit preferential programs are absolutely necessary from the point of view of the Municipal Railway; and, while other alternate schemes had been considered for Mission Street, the plan which had been proposed after considerable study and a series of compromises seemed to be the best. He emphasized that people shopping downtown usually have to park two or three blocks from where they are going; and he doubted that implementation of the proposed plan would have a serious negative impact on businesses located on the street. In fact, he believed that the Municipal Railway is the greatest contributor to the success of businesses on Mission Street; and, as a case in point, he noted that merchants in the downtown area had experienced a loss of approximately one million dollars in sales each day during the Municipal Railway strike. He urged that the Commission endorse the City's "transit first" policy and that it approve the concept of transit preferential treatment for Mission Street.

Gerald Cauthen, Planning Director for the Municipal Railway POM Study, stated that a number of alternatives had been considered for Mission Street; but he felt that the proposed plan would have a minimal impact on automobile traffic and on businesses located on the street. Originally, a traffic diverter had been proposed at Fifth Street; however, because of objections raised by the Chronicle, the Board of Supervisors had changed that diverter to Fourth Street. That change was acceptable because the block to the east is part of the Yerba Buena Center project which has no plans for parking on, or automobile access from, Mission Street. Given the fact that Mission Street is one of the city's major traffic transit arteries, he felt that it is critical that the Transit Preferential Plan should be implemented for the street. In conclusion, he stated that he doubted that businesses located on the street would be as seriously affected by the plan as they had imagined.

Commissioner Mellon remarked that the objective of the Transit Preferential Streets Program is to make it easier for more people to get to downtown San Francisco on public transportation; and, as a result, businesses located on Mission Street may well find that their business will increase as a result of the Transit Preferential Plan. He felt that the Commission should stress the affirmative aspects of the proposal.

Mr. Cauthen agreed and remarked that San Francisco should not try to compete with suburban shopping centers but should instead try to enhance its transit oriented shopping center.

Commissioner Starbuck stated that Philadelphia has designated one of its major downtown streets for transit and pedestrian use only; and businesses on the street have thrived. With the possible exception of the automobile tire firm at Eleventh and Mission, he did not feel that the proposed Transit Preferential Plan would have a negative impact on businesses located on the street; and, in fact, he believed that implementation of the plan would improve the business climate.

Commissioner Rosenblatt asked for a statement of the positive benefits of the proposed plan. Mr. Twichell stated that it was anticipated that implementation of the plan would save transit riders three minutes in each direction; and, while a saving of six minutes a day might not be terribly significant to an individual person, the savings would be extremely significant to the Municipal Railway. Furthermore, it is important for the Municipal Railway to be able to depend on headway times; and, by reducing congestion on Mission Street, service would be more reliable. Finally, by shortening the length of time needed for round-trips, additional round-trips could be scheduled, thus increasing the capacity of the Municipal Railway without adding new equipment.

Commissioner Rosenblatt observed that there seemed to be very compelling reasons for approval of the proposed project. Commissioner Mellon stated that the proposed plan could be important to employers, also, since it may improve changes of employees getting to work on time.

Commissioner Rosenblatt asked how many transit riders would benefit from the improved service. Mr. Twichell replied that buses on Mission Street carry 45,000 passengers a day. In addition, several hundred thousand people ride lines which cross Mission Street each day; and they, also, would benefit from the reduction of congestion on Mission Street.

Commissioner Finn advised the Commission that it costs \$25 an hour to operate a Municipal Railway bus; and more efficient use of the existing fleet would enable the Municipal Railway to increase its capacity without purchasing more equipment or incurring additional operational costs.

Mr. Cauthen remarked that improvements in the quality and reliability of the Municipal Railway's service would ultimately increase the number of people who use the system.

Commissioner Dearman stated that Vancouver had reserved one of its streets for buses and pedestrians only; and she indicated that the street was crowded with people when she visited it. Under the circumstances, she did not understand the Board of Supervisors' opposition to the program proposed for Mission Street. At this point, she absented herself from the meeting room for the remainder of the meeting.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Starbuck, and carried unanimously that the Commission express its intention to reaffirm support for the City's "transit first" policy and to endorse the Mission Street Transit Preferential Plan; and the Commission requested the staff to prepare a draft resolution reflecting those policy positions to be considered at the Commission's meeting next Thursday.

The meeting was adjourned at 4:20 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, June 24, 1976.

The City Planning Commission met pursuant to notice on Thursday, June 24, 1976, at 2:15 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, George Carey, Ina F. Dearman, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Sidney Shaw, Planner IV; Alec Bash, City Planning Coordinator; Jon Twichell, Transit Planner III; Marie Zeller, Planner III; Ralph Gigliello, Planner II; Paul Rosetter, Planner II; Mark Wino-
grond, Planner II; Michael Johnstone, Architectural Design Draftsman; and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meeting of May 27, 1976, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, noted that the field trip which had been scheduled for 1:00 p.m. had been cancelled because both of the Department's automobiles were inoperable. He indicated that the field trip would be rescheduled next Thursday.

The Director introduced George Carey, Chief Accountant for the Public Utilities Commission, who will serve as Mr. Crowley's alternate while Mr. Finn is on vacation.

The Director reminded members of the Commission of the staff meeting scheduled for next Tuesday evening, June 29, at 7:30 p.m. at the Francisco Junior High School to discuss the new residential zoning pattern recommended for the northeast portion of the city.

Commissioner Rosenblatt requested that a meeting of the Budget and Personnel Committee of the Commission (Commissioners Rosenblatt, Dearman, Lau) be scheduled for Thursday, July 8, at 12:00 Noon.

The Director advised the Commission that the Finance Committee of the Board of Supervisors, at its meeting on June 16, 1976, had voted to recommend rescission of certain capital improvement items which relate to neighborhood improvements and beautification; and because such an action would defer the implementation of the policies of the City Planning Commission for neighborhood preservation and environmental enhancement, he felt that the Commission should adopt a draft resolution which he had prepared to express its strong support for the programs involved and to recommend to the Board of Supervisors that the appropriations for the projects be retained. The projects involved were the Mission Transit Preferential Treatment Program between Eleventh Street and Beale Street, the Jordan Park Protected Residential Area Project, landscaping work proposed under the Geary Boulevard-Masonic Avenue grade separation project, the Neighborhood Shopping Districts Beautification and Improvements Program, and the Haight-Ashbury Home Loan Program.

Haig A. Harris, Jr., attorney for owners of property on Mission Street, stated that he was present to speak in opposition to the Mission Street Transit Preferential Plan which was carried as a separate item for discussion on the Commission's agenda. He remarked that public hearings had not been held when the project was initially recommended; and he believed that installation of traffic diverters on Mission Street would have a detrimental effect on property owners on the street. He stated that he represented the owners of the Bubble Machine, a car wash operated in conjunction with a Standard Oil service station; and he felt that implementation of the Mission Street Transit Preferential Plan would curtail automobile traffic on the street and would result in the "taking" of his client's property without compensation in return.

Commissioner Starbuck stated that he had read the letter which Mr. Harris had previously submitted to the Commission; and he remarked that the basic issue discussed in the letter was that due process had not been followed in initiating the proposed project. However, he recalled that duly advertised public hearings had been held when the project was initially proposed; and representatives of the Mission Street Merchants Association had attended those hearings. He believed that Mr. Harris' clients were really more concerned with the project itself than with notice procedures; and he observed that it would be extremely difficult to give notice to individual property owners because of current budgetary restraints.

Mr. Harris stated that the Mission Merchants Association does not represent his client; and he remarked that there are a number of businesses on Mission Street in the downtown area which would suffer financial loss if the Transit Preferential Program were to be implemented.

After further discussion, it was moved by Commissioner Bierman and seconded by Commissioner Dearman that reference to the Mission Transit Preferential Street Treatment be deleted from the draft resolution pending further discussion of this matter later in the afternoon. When the question was called on the motion to amend the draft resolution, the motion passed unanimously. Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the draft resolution, as revised, be adopted as City Planning Commission Resolution No. 7513.

The Director advised the Commission that the Northern Waterfront Planning Advisory Committee will hold its second meeting on Friday, June 25, at 9:15 a.m.

The Director reported that Planning, Housing and Development Committee of the Board of Supervisors will hold a special meeting on Tuesday, July 6, at 1:00 p.m. to consider the proposed Tree Ordinance. If the ordinance is approved by the committee, it will be considered by the full Board of Supervisors later in the afternoon.

The director announced that the Department of City Planning's application for Federal 701 Grant Funds had been approved by the Finance Committee of the Board of Supervisors.

The Director informed the Commission that he had scheduled a meeting to be held the next day to organize the Department of City Planning's staff effort on the Yerba Buena Center Project.

PUBLIC HEARING ON PROPOSAL TO AMEND ARTICLE IV, SECTION 3 OF THE RULES AND REGULATIONS OF THE CITY PLANNING COMMISSION TO PROVIDE THAT ALL COMMITTEE MEETINGS SHALL BE SCHEDULED AT THE CALL OF THE CHAIR.

The Secretary noted that the Commission, acting on the recommendation of the Director of Planning, had voted on June 10 to schedule this matter for consideration.

No one was present in the audience to be heard on this matter.

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that Article IV, Section 3 of the Rules and Regulations of the City Planning Commission be amended to provide that all committee meetings shall be scheduled at the call of the Chair.

ADOPTION OF RESOLUTION REAFFIRMING SUPPORT FOR THE CITY'S
TRANSIT FIRST POLICY AND ENDORSING THE MISSION STREET TRANSIT
PREFERENTIAL PLAN.

John W. Dinkelspiel, attorney for the Goodyear Tire Company which is located at Eleventh and Mission Streets, requested that consideration of this matter be deferred until more adequate notice has been given to property owners and businessmen on the subject portion of Mission Street.

The Secretary indicated that the Commission was merely reconsidering policy positions which had been taken by a previous commission. Furthermore, since any action which might be taken by the Commission would merely be advisory in nature, there is no legal requirement for giving individual notice to property owners.

Jonathan Twichell, Transit Planner III, summarized the presentation he had made to the Commission on this matter during its meeting on June 17. He stated that a joint committee of the Board of Supervisors is scheduled to hold a public hearing on the Mission Street Transit Preferential Plan at the end of July or at the end of August. He stated that he had checked the Board's files on this matter in order to obtain the names and addresses of any individual who might have expressed interest in the proposal; and he had found only two letters in the file which had been sent by attorneys representing businesses in the area. He had given notice of the Commission's meeting to those two individuals. In addition, he had posted notices of the meeting along Mission Street. If the Commission wished to defer action on this matter, he recommended that the matter be taken under advisement for three or four weeks to enable community groups, which meet on an irregular basis, to consider adoption of policy positions related to the City's "transit first" policy and the proposed Mission Street Transit Preferential Plan.

Rai Y. Okamoto, Director of Planning, emphasized that the Commission is not required to hold a public hearing on this matter; however, if the Commission should decide to schedule a public hearing as a courtesy to property owners and people doing business on the street, he felt that the hearing ought to be scheduled far enough in the future to allow other organizations to review the matter, also.

Commissioner Starbuck moved that a public hearing be scheduled on this matter at a later date. He stated that he had made the motion reluctantly in view of the fact that a great deal of staff time had been spent and a series of public hearings had been held on the matter over the past three years; however, in deference to the request for postponement which had been made by Mr. Dinkelspiel and Mr. Harris

earlier in the meeting, he felt that it would be appropriate for the Commission to postpone action on the matter and to schedule a public hearing. During the interim, he hoped that the two attorneys would take it upon themselves to make sure that interested individuals are made aware of the hearing. The motion was seconded by Commissioner Rosenblatt.

At 3:10 P.M. President Lau announced a 5 minute recess. The Commission reconvened at 3:15 P.M. and proceeded with consideration of the item which had been interrupted.

Mr. Harris stated that he felt that property owners and merchants on the street should have an opportunity to review the matter and to make their position known even if no public hearing is legally required.

The Director stated that the staff of the Department of City Planning would be willing to meet with property owners and merchants prior to the public hearing to discuss the matter.

Mr. Harris stated that he and Mr. Dinkelspiel do not represent all of the property owners on the street. He indicated that the Board of Supervisors had agreed to notify all ground-floor tenants on the street of its public hearing on the matter; he felt that the Commission should do likewise.

President Lau requested the staff of the Department of City Planning to check with the Clerk of the Board of Supervisors to see if notice of the Commission's hearing could be included in the Board's mailing.

When the question was called, the Commission voted unanimously to schedule a public hearing on this matter on July 15, 1976.

Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the Director of Planning be requested to transmit a letter to the Board of Supervisors asking that funds for the Mission Transit Preferential Street Treatment Program not be rescinded until public hearings have been held on the matter by the City Planning Commission and the Joint Committee of the Board and until such time as the Board has decided whether it wishes to proceed with the project.

PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE RECREATION AND OPEN SPACE ELEMENT OF THE MASTER PLAN TO DELETE A SITE AT MAJESTIC AVENUE AND SUMMIT STREET FROM THE CATEGORY - "PROPOSED RECREATION AND PUBLIC OPEN SPACE".

Sidney Shaw, Planner IV, reported on this matter as follows:

"The Recreation and Open Space Element, adopted by the City Planning Commission on May 24, 1973, contains a map entitled 'Citywide Recreation and Open Space Plan' on which specific properties throughout the city are designated for acquisition or conversion to public recreational use. The purpose of this memorandum is to explain a proposed amendment of the Recreation and Open Space Element that would delete a site recommended for acquisition. The site proposed for deletion is identified as Columbia Heights at the Ocean View neighborhood. It is shown on the attached map.

"At about the time the Recreation and Open Space Element was approved, the extension of Majestic Avenue into the Columbia Heights site was approved by the Department of Public Works. This street extension did not come to the attention of the Department of City Planning until later when it was actually accomplished. The unimproved street area and the vacant lots on either side were to have comprised the recommended open space site. Now extended Majestic Avenue bisects the area and provides vehicular access and utilities for every lot.

"The latest development is the application for a building permit to construct dwellings on three of the lots. These three lots happen to be situated such that the remaining lots would not make sense as a park. In my opinion, however, the extension of Majestic Avenue already rendered the site unsuitable and infeasible for acquisition.

"Last year, on an inspection tour of sites shown in the Recreation and Open Space Element, the Open Space/Park Renovation Citizens Advisory Committee visited this site and viewed with dismay the street extension. The Citizens Advisory Committee and the Recreation and Park Department concur in the advisability of deleting the site. I would recommend, therefore, that the Recreation and Open Space Element be amended to delete the Columbia Heights site from the category of sites recommended for acquisition or conversion to public recreational use."

Commissioner Bierman asked if the Open Space/Park Renovation Citizens Advisory Committee had approved the proposed amendment. Mr. Shaw replied in the affirmative.

No one was present in the audience to be heard in this matter.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that City Planning Resolution No. 7514 be adopted and that the amendment to Recreation and Open Space Element of the Master Plan be approved.

Commissioner Rosenblatt stated that he had heard that the Board of Supervisors might place a Charter amendment on the ballot which would reduce the allocation of funds from the Recreation and Open Space Acquisition Fund for acquisition to increase the allocation for maintenance of existing park facilities. If so, he requested that the Commission be advised of any public hearing which might be held by the Board of Supervisors on that proposal. Furthermore, if it would be appropriate for the City Planning Commission to hold a public hearing on the proposal, he felt that it should do.

PUBLIC HEARING ON ENFORCEMENT OF THE PARAPET ORDINANCE

Robert Passmore, Planner V (Zoning, noted that the staff had reported to the Commission on the current status of the Parapet Ordinance Enforcement Program during the Commission meeting on June 3, 1976. At that time, the President of the Landmarks Preservation Advisory Board had presented a resolution which had been adopted by her Board proposing that enforcement of the ordinance "be temporarily suspended until such time as the economic impact on both the city and individual building owners can be determined and an equitable means of providing financial relief, in the interest of the visual quality of San Francisco, can be established". The Commission had requested that this public hearing be held to consider whether a recommendation should be made to the Board of Supervisors that a moratorium be placed on enforcement of the Parapet Ordinance.

James Ream, Vice President of the Landmarks Preservation Advisory Board, confirmed that his Board had adopted a resolution on June 2 calling for a moratorium on enforcement of the Parapet Ordinance. However, he indicated that the position of the Board had evolved since that point in time. He stated that the Board had originally assumed that most property owners would choose to remove parapets and cornices for their buildings rather than to reinforce and preserve them. But 17 of the 21 permits which had been filed for parapet work had had involved retention and reinforcement rather than removal. While he acknowledged that the limited number of permits which had been filed represented a fairly small sample, they nevertheless offered encouragement that property owners faced with a choice between removal and retention might opt for retention. He remarked that parapets and cornices may be removed as a result of enforcement of the of the Parapet Ordinance; but, if the ordinance is not enforced, the parapets and cornices may be lost in the event of a major earthquake. The Bureau of Building Inspection had assured the Landmarks Preservation Advisory Board that property owners would be given all available

facts or information concerning retention of such building features; and it had agreed to keep the Department of City Planning informed when citations are issued and as they are being processed. In addition, the Bureau of Building Inspection had agreed to consider new techniques for replacement of building ornamentation such as the use of reinforced fiber glass comparable to that which is being used on the old U.S. Mint Building. Under the circumstances, there was a possibility that many cornices and parapets would be retained as enforcement of the Parapet Ordinance proceeds. However, some property owners will inevitably face problems so extensive that they will have no recourse but to remove ornamentation from their buildings. The Landmarks Preservation Advisory Board felt that there may be a small group of buildings which are so visually important to San Francisco that they should be afforded preferential treatment; and the Board intended to work with the Bureau of Building Inspection to see if the owners of such buildings can be granted additional time to satisfy the requirements of the Parapet Ordinance or if programs could be developed to provide financial relief to the owners of such buildings. In the interest of striking the best balance between life safety and the esthetic value of older buildings, the Landmarks Preservation Advisory Board had decided to recommend that no moratorium be established on enforcement of the Parapet Ordinance at this time pending further study.

Commissioner Bierman asked Mr. Ream how much time he estimated would be needed for the Landmarks Board to study the matter before reconsidering the imposition of a moratorium on enforcement of the Parapet Ordinance. Mr. Ream felt that the Board should be able to make a reassessment of the issue within two months.

Commissioner Bierman then asked how many of the properties affected by the 21 permit applications which had been filed are under single ownership. Mr. Passmore replied that a large number of the properties are under a single ownership.

Commissioner Bierman then observed that the 21 permits would not provide a very good insight into what can be expected to happen in the future if most of the buildings which are to be preserved are owned by the same person.

Robert Levy, representing the Bureau of Building Inspection, stated that property owners have one year to obtain a permit once their buildings have been cited under the Parapet Ordinance; and they are allowed one additional year to complete the work called for in the permit. Only 21 permits have been filed thus far; however, he expected that additional permits will be filed in the near future. As more permits are filed, more data will be available to indicate whether property owners are more inclined to preserve building ornamentation or to remove it.

President Lau asked what geographic area of the city is being affected by enforcement of the Parapet Ordinance. Mr. Levy replied that buildings around Union Square have been cited; and those citations are being reviewed in the light of recent changes made in the program by the Board of Examiners on appeal. He remarked that San Francisco is bound to have an earthquake at some unknown future date; and cornices and parapets, which are the weakest parts of buildings, will be the first to be affected by an earthquake. Furthermore, parapets can deflect and affect the stability of the rest of the building during an earthquake if they are not strengthened. He believed that it would be cheaper in most cases to strengthen parapets than to remove them; but cornices are more difficult to deal with. He stated that the Bureau of Building Inspection is concerned about the appearance of the city and indicated that he and his associates would continue to work with the Department of City Planning and the Landmarks Preservation Advisory Board to encourage the strengthening and retention of building ornamentation rather than removal of such features; but his Bureau also has a responsibility for effecting safe conditions.

Commissioner Starbuck remarked that curtain wall panels had fallen from the Tishman Building onto Third Street when it was under construction; and he wondered if curtain wall panels would be likely to fall off of downtown buildings in the event of an earthquake. Mr. Levy replied that engineers have developed means of hanging curtain walls which render them as safe as other parts of new buildings; and the Bureau of Building Inspection requires that special inspections be made when glass curtain walls are being installed. He emphasized that no building is completely earthquake-proof; but he felt that falling glass would not be a major problem in San Francisco in the event of an earthquake. Building ornamentation, on the other hand, will be a problem both because of the way the ornamentation was originally constructed and because of the deterioration which has occurred since it was installed.

Commissioner Starbuck then noted that the major damage suffered in 1906 was a result of the fire; and he asked if any data were available to indicate the extent of damage caused by falling parapets and cornices during the 1906 earthquake. Mr. Levy replied in the negative but indicated that data available from earthquakes which have occurred in other cities indicates that falling parapets and cornices are the principal hazards experienced during an earthquake.

Commissioner Starbuck, noting that Mr. Levy and Mr. Ream anticipated that most property owners would choose to reinforce and preserve parapets and cornices rather than to remove them, asked why the Federal government had chosen to remove the cornices from the old U.S. Mint. Mr. Levy replied that the cornices on the U.S. Mint are being replaced with fiber glass.

Commissioner Dearman noted that ornamental features had been removed from most of the schools which are being remodeled to meet the standards of the Field Act.

Commissioner Starbuck asked how many city-owned buildings would be affected by the Parapet Ordinance and how much money would be required to bring those buildings into compliance with the ordinance. Frank Woo, also representing the Bureau of Building Inspection, stated that city-owned buildings located in the Civic Center area, as well as the Water Department building on Mason Street, would be affected by the Parapet Ordinance; however, he did not know how much money would be required to bring those buildings into conformity with the requirements of the ordinance.

Commissioner Starbuck remarked that the city may not appropriate funds for work on those buildings; and non-compliance on the part of the city would probably not be well received by private property owners who would be required to pay for work on their own buildings.

Mr. Levy stated that the city has appropriated funds for life safety measures in publicly-owned buildings. He did not anticipate that the cost of bringing Civic Center buildings into conformity with the requirements of the Parapet Ordinance would be tremendous; and he believed that funds would more than likely be made available for the required work.

Commissioner Starbuck then asked Mr. Levy if he felt that sufficient date was available to justify the assumption that most property owners would choose to retain ornamental features on their buildings rather than to remove them. Mr. Levy replied that he was satisfied that parapets would be retained; however, given the greater problems involved in cornice retention, he had less confidence that property owners would choose to retain them.

Commissioner Starbuck asked how much money has been appropriated for enforcement of the Parapet Ordinance. After being advised that \$120,000 a year has been allocated for that purpose, he asked Mr. Levy if he would not prefer to have that money available for normal code enforcement activities. Mr. Levy replied that there is never enough money available to do everything that should be done; and if he knew for certain that San Francisco would not have a major earthquake in the next 30 years, he might prefer to use the money available for enforcement of the Parapet Ordinance for other enforcement activities. However, since there is no way of knowing whether an earthquake will occur, his preference would be to continue a balanced program of enforcement.

President Lau asked if property owners had expressed opposition to the Parapet Ordinance. Mr. Levy replied that some property owners had registered complaints because strengthening of parapets does not provide a productive return on their investment; however, he did not feel that a majority of the property owners affected had expressed opposition to the ordinance. Of the 21 permits which had been filed to date, the average expenditure proposed for each building was only \$5,000.

Commissioner Dearman observed that the first property owners who had filed permits to comply with the Parapet Ordinance may have been faced with relatively small problems. Mr. Levy predicted that the vast majority of property owners would not have a serious problem in bringing their buildings into conformity with the requirements of the Parapet Ordinance.

Commissioner Bierman felt that it would be important for the Commission to know how many of the initial 21 permits were filed by a single property owner. She remarked that there may be a danger of parapets and cornices falling from buildings; but if those building features are to be retained or removed, then the costs incurred by the property owners would be passed on to their tenants. Furthermore, she felt that other building features may be as dangerous as parapets and cornices in the case of an earthquake.

Mr. Ream stated that Landmarks Preservation Advisory Board was not prepared to make a prediction on how the large majority of property owners affected by the ordinance would react; and the only way to get the information which will be needed to make an accurate prediction would be to continue with enforcement of the ordinance at least for the time being.

Ed Zachner read and submitted the following policy statement which had been prepared by the Structural Engineers Association of Northern California:

"The Structural Engineers Association of Northern California strongly supports the enforcement of the 'Parapet Ordinance' because this program will provide a major increase in public safety and will, in the final analysis, do more to safeguard the cityscape than the opponents of enforcement can accomplish.

"The question is not if but when the next damaging earthquake affecting San Francisco will occur. Mother nature will not spare the landmark designated buildings because she does not discriminate. The best way of assuring that the beauty of San Francisco is preserved

is by following a preventative maintenance program which the enforcement of the parapet ordinance has generally encouraged.

"We would oppose repeal of the parapet ordinance or any moratorium on its enforcement. The proposals made in this vein show disregard for the position of personal liability the elected officials are asked to assess."

Mr. Zacher also submitted a letter which had been addressed to the Commission by Robert L. Morris, President of the San Francisco section of the American Society of Civil Engineers, as follows:

"I am writing this letter to strongly support the enforcement of the 'Parapet Ordinance'. If San Francisco has succeeded in accomplishing the aims of this ordinance when the next damaging earthquake occurs, great dividends will be realized in the personal safety of its occupants.

"I oppose the repeal of the parapet ordinance and recommend its vigilant enforcement.

"The membership of the San Francisco Section of the American Society of Civil Engineers consists of approximately 2,000 persons practicing in the various disciplines of Civil Engineering."

At 4:15 P.M. President Lau announced a 10 minute recess. The Commission reconvened at 4:25 P.M. and proceeded with hearing of the agenda. Discussion of enforcement of the Parapet Ordinance was temporarily interrupted.

DR76.13 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 453162 FOR NINE-UNIT APARTMENT BUILDING AT CASTRO AND 28TH STREETS.

DR76.14 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 455555 FOR SIDEWALK CAFE, OFFICE AND RESIDENTIAL RENOVATION AT 4136 - 24TH STREET.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), noted that the hour was late and that the Commission had several other items to cover on its agenda; and, as a result, he recommended that consideration of these two items be postponed until the Commission's meeting on July 1.

After discussing Mr. Steele's recommendation with members of the audience, it was moved by Commissioner Rosenblatt, seconded by Commissioner Mellon, and carried unanimously that item DR76.13 be postponed until the meeting of July 1, 1976, at 4:00 P.M.

Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that consideration of item DR76.14 be postponed until the meeting of July 1, 1976, at 3:00 P.M.

PUBLIC HEARING ON ENFORCEMENT OF THE PARAPET ORDINANCE, CONTINUED.

William McCormick, Chairman of the Codes Committee of the Chamber of Commerce, stated he agreed with the position expressed in the statement which had been submitted by Mr. Zacher.

Larry Cannon, Chairman of the Parapet Task Force, stated that the role of the Task Force is to try to improve communication between individuals and groups concerned with enforcement of the Parapet Ordinance. He noted that the Board of Supervisors had stressed that building ornamentation should be preserved wherever possible; and, in addition, it had supported State legislation which would allow the City to give tax relief to property owners who are required to bring their buildings into conformance with the Parapet Ordinance. A subcommittee of the Parapet Task Force had been investigating possible incentives which could be used to encourage property owners to retain ornamental building features; but he acknowledged that the result of that committee's effort had not been very promising. On the other hand, he felt that it was encouraging that 17 of the 21 permits which had been filed involved retention work rather than removal; and he noted that two of those buildings had been designated as significant buildings. He stated that more data is needed to indicate if the majority of property owners will opt for retention or removal of ornamental building features; and, in addition, additional data is needed to indicate what effect enforcement of the Parapet Ordinance will have on the city's building stock and on rental rates. The only way to obtain that data would be to proceed with enforcement of the Parapet Ordinance. He stated that Senator Marks had introduced a bill into the State legislature to provide low-interest loans to property owners who are required to bring their buildings into conformance with the ordinance; and he indicated that Mr. Levy had agreed to investigate the feasibility of modifying local codes to permit the use of fiber glass under certain circumstances for the replacement of ornamental features. With regard to the present status of the Parapet Ordinance, he felt that the following options were available: 1.) Continue with the enforcement of the ordinance and hope for the best; 2.) Continue with the ordinance and discuss the possibility of

a moratorium at a later date when more data is available; 3.) Identify buildings of major visual importance and seek funding to assure that ornamental features on those buildings will be retained; 4.) Seek tax incentives to encourage retention of ornamental features; 5.) Repeal the Parapet Ordinance; 6.) Amend the Parapet Ordinance to strengthen its bias toward preservation of ornamental features; 7.) To establish a moratorium on enforcement of the ordinance. He advised the Commission that there was no unanimity of opinion with regard to the various alternatives among the members of the Parapet Task Force; however, if a moratorium were to be established on enforcement of the ordinance, he felt that the moratorium should be for a specific period of time and for a specific study purpose. When Commissioner Starbuck asked what might be a reasonable length of time for the moratorium, Mr. Cannon replied that a moratorium of 90 to 180 days would probably provide ample time for further study. In reply to a question raised by Commissioner Mellon, Mr. Cannon stated that it was possible that further study could be undertaken without a moratorium.

At this point in the proceedings, Commissioner Dearman absented herself from the meeting room for the remainder of the meeting.

Jay Trumbull, staff architect for the Foundation for San Francisco's Architectural Heritage, summarized and submitted the following prepared statement:

"Perhaps more than any other organization, Heritage seeks to recognize and preserve those visual qualities which make San Francisco unique. These visual qualities are literally created by the parapets, cornices, and ornamentation of the city's downtown buildings.

"Given the Ordinance as it is enforced today, what can be done to make it a more benign force in the community?

"Recommendation 1: Encourage retention; control removal through the adoption of a Design Review Board.

"If, for a building cited under the Parapet Ordinance, drawings are submitted which preserve existing parapets, cornices, or other cited ornamentation exactly with regard to exterior profile and texture (whether or not original or newly designed materials are used), the Bureau of Building Inspection would issue a permit to proceed with the work after appropriate plan check.

"If drawings are submitted which propose the removal of any parapet, cornice, or building ornamentation, these drawings would have to be passed by a Design Review Board, created by and reporting to the City Planning Commission. The Design Review Board would have to hear each case and render its decision within a specified time, which time could be added to the overall period that is available for compliance with the Parapet Ordinance.

"The Review Board would have the function of encouraging designs which removed least and preserved most, but in cases where removal was -- because of cost -- the only possible alternative, the Board would be able to require newly designed profiles which related best to the character of the buildings which surrounded the structure in question.

"Rejection of a proposed design by the Design Review Board could be followed by a specified number of revisions, after which the case could be appealed to the City Planning Commission. Failure to come up with a satisfactory design within the required period would cause the property to be cited for non-compliance in the same way that would occur if the building owner had simply ignored the citation.

"The Design Review Board should be empowered to render its decisions promptly -- normally when the case is initially heard. The Board should have on it representatives of the Planning Commission, the Landmarks Preservation Advisory Board, the Northern California Chapter of the American Institute of Architects, and other appropriate bodies.

"Recommendation 2: Language and Emphasis.

"Insure that the language and thrust of all documents relating to the citation of buildings under the Parapet Ordinance stress the retention and rehabilitation of existing ornamentation. To date, program descriptions used by the Bureau of Building Inspection, though specific requirements have abated somewhat, do not contain the language of the Board of Supervisors Resolution No. 885-75, which clearly adopts a city policy of retention over removal.

"Recommendation 3: Limited Moratorium if feasible.

"Heritage would support the idea of a moratorium of enforcement of the Parapet Ordinance for a specific time period if during this period a measure of the economic and environmental impact of the Ordinance upon the city could be made and a mechanism for acting upon the findings of such a study, including possibly financial support of retention and rehabilitation in important cases, could be created."

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the Commission follow the advice of Mr. Levy and the Landmarks Preservation Advisory Board and take no action on the proposal to establish a moratorium on enforcement of the Parapet Ordinance at this time. He emphasized that more data is needed to evaluate the impact of the enforcement program; and the only way to obtain that data is to continue with the enforcement program.

Commissioner Bierman asked when sufficient additional data would be available to enable the Commission to reconsider the proposal for a moratorium. Mr. Steele stated that he anticipated that it would be possible for the Commission to reconsider the matter in approximately two months.

Commissioner Starbuck asked if it would be possible to select a building considered significant by the staff of the Department of City Planning and to determine the specific costs involved in removing or strengthening the ornamental features on that building. Mr. Levy replied that such a project would require the cooperation of a private property owner since cost estimates for repair work are prepared by individuals hired by property owners; however, he indicated that he would work with the staff of the Department of City Planning and the Foundation for San Francisco's Architectural Heritage to obtain the information which Commissioner Starbuck had requested.

Commissioner Starbuck then asked Mr. Levy if he had any personal feelings with regard to the possibility of exempting certain buildings from the provisions of the Parapet Ordinance. Mr. Levy replied that he had never suggested that buildings should be exempted from the provisions of the ordinance; however, if 50 or 100 buildings of major significance could be identified, he felt that it might be possible to extend the period of time in which those buildings would have to comply with the ordinance. If that approach were to be taken, a specific list of buildings would have to be prepared in advance; and he would want to check with the City Attorney to see if additional legislation would be required to extend the compliance period for those buildings.

President Lau asked if Chinatown would be affected by the Parapet Ordinance; and, if so, he wondered how property owners in Chinatown had reacted to the enforcement program. Mr. Woo stated that most of the ornamental features in Chinatown are constructed of sheet metal which is light in weight. Most of the buildings do have brick parapets; but a fairly straight-forward technique is available for strengthening parapets of that sort. Under the circumstances, he did not feel that enforcement of the Parapet Ordinance would alter the visual character of buildings in Chinatown. He stated that objections to enforcement of the Parapet Ordinance from property owners in Chinatown had been minimal.

President Lau then suggested that the Bureau of Building Inspection should schedule a meeting at the Commodore Stockton School to explain the Parapet Ordinance to property owners in Chinatown; and he suggested that notice of the meeting should be advertised in ethnic newspapers. Mr. Levy indicated that he would be willing to arrange such a meeting.

Commissioner Bierman requested that the Landmarks Preservation Advisory Board give consideration to Mr. Trumbull's proposal for a design review board to control removal of building ornamentation and the relationship which that board might have to the Landmarks Preservation Advisory Board.

After further discussion, it was moved by Commissioner Mellon, seconded by Commissioner Bierman, and carried unanimously that no action be taken at this time on the proposal to establish a moratorium on enforcement of the Parapet Ordinance.

CONSIDERATION OF CORRECTION OF DRAFTING ERRORS IN THE PROPOSED RESIDENTIAL ZONING DISTRICT MAPS AND STANDARDS.

Mark Winogrand, Planner II, summarized the proposed corrections, which the staff considered to be of a non-substantial nature, as follows:

"The following changes are proposed by the Planning Department:

"1) May 20 memo, marked 'EXHIBIT A'

- a) Punctuation on page 4.
- b) Addition of words '15 gallon' before '...street tree must...' on bottom of page 10.
- c) Addition of word 'only' after '...may occupy...' in middle of page 12.

"2) Chart Entitled Permitted Residential Uses,
marked 'EXHIBIT B'

- 1) Addition of information relating to additional units allowed by conditional use in RH-1, RH-1(S), RH-2 and RH-3 districts, as was already explained in May 20 memo.

"3) Chart Entitled Non-Residential Uses, marked
'EXHIBIT C'

- 1) Addition of asterisk to R-C Combined permitted uses to explain that such uses need conditional use approval above the ground floor.

"4) Table A, marked 'EXHIBIT K'

- 1) Change '25%' on the bottom of page 2, #12, to read '5% but no more than 500 sq. ft.'

"5) Map Changes

- a) Map 2, marked 'EXHIBIT D': Assessor's Blocks 747, 757, part of 734 - put Housing Authority apartments in RA3; adjust boundary of large PR district to conform to actual Redevelopment Agency A-1 and A-2 boundaries.
- b) Map 5, marked 'EXHIBIT E': delete the P district at 44th and Santiago. This property is being sold by the City; the sale has received Master Plan referral approval.
- c) Map 6, marked 'EXHIBIT F': add RH-1 district name to area along 6th between Kirkham & Judah; provide boundary between RH-1 and RH-1(D) at 9th & Ortega; correct district designation of Clarendon subdivision from P to PR and add the correct boundary; add RH-2 district to the west of Corbett and east of Burnett; add the Stanyan Street access to the Mt. Sutro Greenbelt to the P district; correct I and P district boundaries for U.C. Medical Center as shown.
- d) Map 7, marked 'EXHIBIT G': delete Assessor's Block 2648, Lot 1 from P and put it into RH-2; add R-C-1 designation and provide boundary between RH-2 and R-C-1 at 20th & Lexington.
- e) Map 9, marked 'EXHIBIT H': add City-owned Assessor's Block 4805 to P district; this block is part of the Herbst estate gift to the city.

- f) Map 10, marked 'EXHIBIT I': delete portions of Assessor's Blocks 6117 and 6118 from I district; thus is City property to be sold for single-family development. Delete Assessor's Block 6309, Lots 50, 51 from I district.
- g) Map 11, marked 'EXHIBIT J': correct boundary at Bosworth and Diamond to reflect existing C-2. Designate area C-2/R-C-1."

President Lau, referring to page 8 of the May 20, 1976, memorandum on the residential zoning study, noted that one of the proposed general guidelines for retention of certain nonconforming uses referred to uses which occupy "only the ground floor or basement" of a building; and he asked if the staff had meant to specify the ground floor and/or basement of a building. Mr. Winogrand replied in the affirmative, indicating that the staff would interpret the word "or" to mean "and/or". He emphasized that the general guidelines had not yet been adopted by the Commission; and, when precise guidelines are adopted, the change of wording could be made. Under the circumstances, he did not feel that it would be necessary to change that portion of the May 8 memorandum at this time.

Commissioner Bierman stated that she was disturbed by the fact that properties developed with housing which had once been proposed as the site of a dental school for the University of California Medical Center were to be included within the "institutional" district which had been mapped for the Medical Center.

Robert Passmore, Planner V (Zoning), stated that the Board of Supervisors had encouraged the development of a dental school for the Medical Center; and, while the Board had suggested that another site be found for the dental school rather than the one initially proposed, it is possible that the dental school may have to be built on the original site. For that reason, the staff had recommended that that site be included in the Medical Center's institutional district. If another site can be found for the dental school, the property developed with housing can be removed from the institutional district and given a public use designation.

Commissioner Bierman remarked that she was somewhat ill-at-ease with the basic concept of the institutional district; and, if the district is to be established, she felt that the staff should make a special effort to make neighborhood groups aware of the "pros and cons" of such a district. She indicated that she was particularly disturbed by the fact that housing owned by the University of California Medical Center had been included in an institutional district, making it appear that the City Planning Commission felt that it would

be appropriate to convert that housing for institutional use. She asked how those properties would have been designated if the zoning initiated by the Commission on May 20 had not included an institutional district. Mr. Passmore replied that the properties would have been zoned for public use.

Commissioner Bierman stated that she felt that it would be more appropriate for the properties to be zoned for public use rather than to be included in the University of California Medical Center's institutional district.

After further discussion, it was moved by Commissioner Bierman and seconded by Commissioner Rosenblatt that the draft resolution which had been prepared by the staff to effect the changes which had been summarized by Mr. Winogrand and be adopted.

Subsequently, it was moved by Commissioner Bierman and seconded by Commissioner Starbuck that the draft resolution be amended to provide that Assessor's Block 1849 should be removed from the University of California's institutional district and that it should be given a public use designation. Commissioner Starbuck stated that he appreciated the reasons for the staff's professional recommendation that the block be included within the institutional district; however, he shared Commissioner Bierman's concern that the position of the Commission might be misinterpreted if the properties were to be placed in the institutional district.

Commissioner Rosenblatt asked Commissioner Starbuck if he shared Commissioner Bierman's general concern about the institutional district. Commissioner Starbuck replied that he had not yet reached a decision in that regard.

When the question was called on the motion to amend the draft resolution, the motion carried by a vote of 5 to 1. Commissioners Bierman, Carey, Lau, Rosenblatt, and Starbuck voted "aye"; Commissioner Mellon voted "no". Commissioner Mellon explained that he had voted against the motion because of the policy position which the Board of Supervisors had taken with regard to the proposed dental school.

When the question was called on the main motion, as amended, the Commission voted unanimously to adopt the draft resolution, as revised, as City Planning Commission Resolution No. 7515.

Commissioner Rosenblatt, noting that the staff has been working on guidelines for the expansion of institutions, inquired about the status of those guidelines. Mr. Passmore replied that a draft of the guidelines has been completed but has not yet been given to the various institutions which would be affected for review.

Commissioner Rosenblatt requested that a copy of the draft guidelines be mailed to members of the Commission. He also felt that it would be helpful if Mr. Passmore would review the rationale behind the staff proposal for an institutional district and to relate the concept for that district to the Institutional Master Plan Ordinance.

Commissioner Starbuck asked if there is a 100% correlation between the institutional districts which have been proposed by the staff of the Department of City Planning and the institutions which would be affected by the Institutional Master Plan Ordinance. Mr. Passmore replied in the negative, indicating that the Institutional Master Plan Ordinance applies only to certain types of institutional uses.

R118.75.19A - PUBLIC HEARING ON TENTATIVE MAP FOR 52-LOT SUBDIVISION IN PORTIONS OF BLOCK BOUNDED BY BRUNSWICK, GUTTENBERG, HANOVER AND LOWELL STREETS.

Paul Rosetter, Planner II, referred to land use and zoning maps to describe the subject property which is an irregular parcel with frontages of 445 feet on Brunswick Street, 106.5 feet on Guttenberg Street, 208 feet on Hanover Street and 213 feet on Lowell Street for a total area of 3.742 acres. The property is zoned R-1 and is proposed for an RH-1 district. The applicant's proposal was to modify a 51-lot subdivision originally authorized by the Commission on March 4, 1976, by changing the alignment of the new street to enter via Lowell Street instead of Brunswick Street. This change would modify the lot dimensions fronting on the new street and result in one more lot, making a new total of 52 lots. The lots fronting on the other streets would not be changed; and construction has already begun on some of them. Mr. Rosetter stated that the original subdivision plan would have required construction of a new sewer line in Brunswick Street. Under the revised plan, a new sewer line to be constructed in the new street would hook up directly with the sewer line in Lowell Street; and, as a result, Brunswick Street would not have to be torn up. The new lot pattern would also enable some houses to be constructed with a greater amount window surface.

Frank Carrero, Jr., representing the developer, indicated that he was present to answer any questions which might be raised by members of the Commission.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the revised subdivision map be approved as in conformity with the Master Plan subject to four specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion, it was moved by Commissioner Mellon, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7516.

RL18.75.23 - PUBLIC HEARING ON TENTATIVE MAP FOR 10-LOT
SUBDIVISION AT NORIEGA STREET AND 14TH AVENUE.

Paul Rosetter, Planner II, referred to land use and zoning maps to describe the subject property which is an irregular parcel with a frontage of 114.6 feet along the straight easterly line of 14th Avenue, 165.3 feet along the curve going into Noriega Street, and 82 feet along Moraga Street for a total area of 20,253 square feet. The property is zoned R-1 and would be zoned RH-1 under the newly proposed residential zoning. The applicant proposed to subdivide the vacant property into 10 lots with areas ranging from 1799 to 2317 square feet. The subdivision would allow the construction of 10 single-family houses with one-floor of occupancy above the street grade and with vehicular access to garages below occupancy levels via a common driveway easement behind the buildings but in front of the rear yard area. Letters in opposition to the proposed subdivision had been received from Robert Berger, 620 Noriega Street and From Joseph H. Barker, Jr., 616 Noriega Street. Both letters strongly objected to the rear yard driveway and suggested that more conventional housing should be constructed with garages in front. A third letter had been received from Mary Whoolley, 1717 - 14th Avenue, opposing any development of the property whatsoever. Mr. Rosetter described site plans which had been submitted for development of the property and explained that some of the buildings would cover the rear yard driveway providing tunnels which would create a shadowy effect. In addition, he suggested that landscaping could be installed which would help to screen the driveway from adjacent properties without blocking views from the new homes.

Stephen Halpern, President of the Golden Gate Heights Association, made the following statement on behalf of the members of his organization:

"We believe that the proposed development, under the terms of the City Planning Code, Article I, Chapter II, Section 124 is a new subdivision. This section stated in part, 'For the purpose of this section, new subdivisions are those areas to be developed for which a tentative subdivision must be approved'. The hearing today is to approve this subdivision, therefore it must be a new one. However, the Planning Department traditionally has ruled that if the streets are in, then the subdivision is a re-subdivision. The differences being between the requirement of 25 or 33 foot frontage, and 1750 or 2640 square feet of lot area. The larger values being for a new subdivision.

"However, rather than contest the point, we believe that the compromises reached between the developer and the neighbors should be accepted, and made a part of the record of the Planning Commission's approval of the subdivision.

"The developer has limited the heights of the houses from a low of 13 feet to the highest of 20 feet above the sidewalk, and agreed to other conditions outlined in his letter of intent.

"I would like to submit the developers letter, and two letters from the neighbors to be made an integral part of any approval action."

Mr. Halpern then submitted two letters which he had sent to the applicant on behalf of the Golden Gate Heights Association and the following letter which had been addressed to him by Martin Gaehwiler, the owner-developer of the subject property:

"In response to your letters dated March 16, 1976 and May 6, 1976, together with a letter written by Tak Enomoto Associates addressed to the Department of City Planning, I as the Owner-Developer of ten proposed single family dwellings on 14th Avenue between Noriega and Moraga Streets agree herewith to do the following:

- 1) Limit house heights to those shown on drawings prepared by Tak Enomoto Associates dated 3/30/76, which you have a copy.
- 2) Conform with Soils Report prepared by Don Hillebrandt, Soils Engineer, report #103-1 dated Oct. 16, 1975.
- 3) Provide a minimum of ten foot setback from front property line for all houses.
- 4) The existing curb will be moved easterly three feet to provide a twenty one foot street width for fire truck passage.

- 5) A landscaping plan will be developed for the front as well as the rear yard. This plan will be submitted to the City Planning Dept. for approval, together with a copy to the GGH Assoc. for comments. Inasmuch as there are common area i.e., driveway, rear yard space, a perpetual maintenance clause will be included in the deed.
- 6) Rear access road will be limited to thirteen feet in width.
- 7) All utilities including cablevision will be used and placed underground.
- 8) Humane relocation of wildlife will be executed by the Humane Society."

Joseph H. Barker, Jr., 616 Noriega Street, stated that he had participated in the Golden Gate Heights Association's discussions with the developer; however, since that time, he had had several misgivings and had thus addressed a letter to Mr. Steele in opposition to the proposed development. That letter read, in part, as follows:

"I have two principal concerns as to the present scheme, of which I have seen only a preliminary layout:
o density of the project
o garages, and access road to these,
in the rear (east side)

"It is my belief that the construction of 10 homes in the space available (which assumes that this is allowable under code requirements) would result in highly undesirable density problems of parking and traffic safety in front of very narrow lots. It is illogical to suppose that the residents would regularly utilize rear garages for casual parking when road-level front entrances and kitchens face on 14th Avenue.

"With respect to placing garages and a 13 foot access road in the rear (east side) of the proposed homes, I envisage recurring problems of automobile turnaround and passing. For example, my personal car, an Olds Cutlass, is 6'4 wide and 17' long. Trucks, such as refuse, naturally

are wider. Accompanying noise is an undesirable environmental consideration since bedrooms of nearby Noriega properties face on this proposed road.

"Unless adequately shielded by required landscaping of proper height, owners of adjacent homes on Noriega Street and, conceivably, some on Funston, can foresee looking out on structures supported by unsightly stilts, and possibly trailers, boats, and the like parked in back yards unless this latter is specifically controlled by provisions of the 'perpetual maintenance clause' or similar enjoinder. And I can further anticipate difficulty in enforcement of this without recourse to law.

"Garages facing on Noriega and 14th Avenue, as is typical in the surroundings, would eliminate these undesirable considerations.

"In summary, I urge that the Commission closely examine certain details of the proposed plan in the light of the foregoing. I think that preservation of the character and consistency of this desirable neighborhood is essential to maintain the value of many nearby properties, various aspects of the environment, and general livability in the area."

No one else was present in the audience to be heard on this matter.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the proposed subdivision be approved as in conformity with the Master Plan subject to the following conditions:

- "1. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code.
- "2. All utilities for the proposed dwelling units shall be undergrounded.

- "3. Street trees shall be planted and landscaping shall be provided in the rear yards sufficient to screen vehicles and their headlights to views from the properties downhill from the site according to a landscaping plan approved by the Department of City Planning.
- "4. The location of the houses on their respective lots shall generally conform to the site Plan dated March 30, 1976 by Tak Enomoto, Architect.
- "5. Garage spaces shall be enclosed with garage doors and the access driveway shall provide adequate safety features to ensure safe pedestrian access to the rear yards, shall be no wider than necessary to accommodate the maneuvers of moving traffic and shall not provide space for storage outside the garage structures. The final plans for the structures and access drive shall be approved by the Department of City Planning.
- "6. The developer shall provide an easement on the subject property for, and finance the widening of a portion of 14th Avenue to meet the requirements of the San Francisco Fire Department."

Mr. Steele stated that he had not had an opportunity to review the letters which had been submitted by the Golden Gate Heights Association and Mr. Gaehwiler; but he believed that the conditions which he had recommended covered most of the points raised in those letters.

Mr. Halpern stated that copies of the letters had been sent to the Department of City Planning; and, since the developer had offered more than was being requested by the Department of City Planning, he felt that the letters should be incorporated into the Commission's resolution.

Mr. Rosetter stated that some of the conditions in the draft resolution which had been prepared by the staff had derived from the agreement which had been reached between the neighborhood association and the developer. However, other aspects of that agreement, such as the requirement for cablevision lines, would serve no general public interest; and he did not feel that it would be appropriate to include such requirements in the Commission's resolution.

Mr. Barker, noting that Condition No. 3 of the draft resolution would provide for installation of landscaping to screen vehicles and their head-lights from properties downhill from the site, asked why no mention had been made of screening the vehicles from uphill properties. Mr. Rosetter replied that adjacent uphill properties would look down on the access driveway; and, under the circumstances, it would not be possible to guarantee that views of the driveway could be screened from those properties while still insuring that view would be available from the new houses.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7517 and that the proposed subdivision be approved as in conformity with the Master Plan subject to the conditions contained in the draft resolution.

R118.76.7 - PUBLIC HEARING ON TENTATIVE MAP FOR 16-LOT SUBDIVISION WEST OF WHITTIER STREET AT SAN FRANCISCO-DALY CITY COUNTY LINE.

Alec Bash, City Planning Coordinator, referred to land use and zoning maps to describe the subject property which is an irregular parcel with a frontage of 32 feet on Whittier Street and total area of 1.633 acres of which 0.35 acres is located within San Francisco. The applicant proposed to resubdivide the vacant property into 16 lots with access provided by a new public street off Whittier Street within Daly City. The lots would range in size from 2,610 to 3,780 square feet. Ten existing lots within San Francisco would have a portion of their rear yards included within the subdivision. The subdivision had been approved by the Daly City Planning Commission on May 11, 1976.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the proposed subdivision be approved as in conformity with the Master Plan subject to two conditions which were contained in a draft resolution.

John Walker, City Planner for Daly City, stated that he had spent a great deal of time working on the plans for the proposed resubdivision; and he believed that the plan which had been presented to the Commission would meet the requirements of both San Francisco and Daly City. He indicated that San Francisco would provide sewer and water run-off service for the proposed subdivision; and Daly City would provide police, fire and other services. Agreement had also been reached between the two cities regarding the division of taxes from the property.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7518 and that the proposed subdivision be approved as in conformity with the Master Plan subject to the conditions which had been recommended by Mr. Steele.

The meeting was adjourned at 6:20 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

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